

"Managing and conserving natural, cultural, and recreational resources"

August 1, 2006

Robert E. Hollis, Division Administrator
Federal Highway Administration, Arizona Division
U.S. Department of Transportation
One Arizona Center, Suite 410
400 E. Van Buren Street
Phoenix, AZ 85004-0674

Attention: Stephen Thomas

RE: HA-AZ; NH-202-D(ADY);
TRACS No. 202L MA 054 H5764 01L;
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Traditional Cultural Places; Eligibility Evaluation Report
SHPO-2003-1890 (29666)

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Dear Mr. Hollis:

Thank you for consulting with the State Historic Preservation Office (SHPO) regarding the alternative alignments for the proposed South Mountain Freeway and submitting materials for review and comment pursuant to Section 106 of the National Historic Preservation Act as implemented by 36 CFR Part 800. We have reviewed the submitted materials and have the following comments.

The submitted report [*An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona*] addresses the eligibility for inclusion in the National Register of Historic Places (NRHP) of ten properties in the area of potential effect (APE). Two obvious comments regarding eligibility are as follows:

First, the historic wagon road associated with AZ T:12:112 (ASM) in the report's text and figures should be assigned an ASM linear site number [although it actually is a structure in National Register terminology]. Figure 8 on page 52 labels it as the road to Phoenix, however, since additional petroglyphs are located along this transportation corridor about 100 meters to the northeast, it seems reasonable that it also served as a prehistoric route to what is now Phoenix. It is noted on page 53 that the petroglyph at the location of AZ T:12:112 (ASM) is problematic in terms of association, and states it is possible the petroglyph is a marker for a prehistoric trail, a precursor of the historic wagon road. As hinted at in the report, the petroglyph at AZ T:12:112 (ASM) appears to be associated with both the travel route and the shrine [both strategically placed on the landscape].

Secondly, there are some process issues with eligibility and integrity. There appears to be a conflation of the determination of eligibility and effect determination; Section 106 is a linear process with assessing eligibility occurring before assessing impacts. The determination of being eligible for inclusion in the NRHP includes the entire site; if there is agreement that any portion of the site is

August 1, 2006

Page 2, Hollis

eligible, then the site as a whole is eligible. The discussions regarding, for instance AZ T:12:9 (ASM) aka Villa Buena, should be revisited. Regarding that site, issues of integrity should consider the perspective of the associated native peoples; the Gila River Indian Community (GRIC) letter to FHWA dated September 30, 2005, clearly states that [they believe] the site retains integrity [cf. page 46 of report].

Our office is very interested in the tribal response to the traditional cultural property assessment report that evaluates the eligibility for the NRHP, and look forward to receiving copies of their response. We also look forward to reviewing an amended traditional cultural property assessment report.

If you have any questions, please contact me at (602) 542-7140 or electronically at djacobs@pr.state.az.us.

Sincerely,

David Jacobs
Compliance Specialist/Archaeologist
State Historic Preservation Office

CC: Ruth Greenspan, ADOT



Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 26, 2006

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Mr. Ernest Jones, Sr., President
Yavapai-Prescott Indian Tribe
530 East Merritt
Prescott, Arizona, 86301-2038

Dear President Jones:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses ten variations on three alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 west of Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the U.S. Army Corps of Engineers (COE), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County (FCDMC), the Maricopa County Department of Transportation (MCDOT), the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of ten alternative (overlapping) freeway corridors (E1, W55, W71, W101WPR, W101WFR, W101W99, W101CPR, W101CFR, W101EPR, and W101EFR) that extend from I-10 in west Chandler to I-10 west of Phoenix, south of the greater



Phoenix metropolitan area. Alternative corridors are 1,000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

The cultural resources component of the EIS includes five technical studies:

Previous Consultation:

- A Class I overview of the overall study area: "*A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona*" (Burden 2002). Previous consultation regarding adequacy of the report resulted in concurrences/responses from SHPO (Jacobs, September 19, 2003); BLM (Stone, September 22, 2003); City of Phoenix (Stocklin, September 8, 2003 and Bostwick, September 17, 2003); the Hopi Tribe (Kuwanwisiwma, September 10, 2003); Yavapai Prescott (Jones, September 10, 2003); Reclamation (Heathington, September 11, 2003); SRP (Anduze, November 10, 2003); and BIA (October 27, 2003).
- A Class III survey of the proposed alternative alignments: "*A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona*" (Darling 2005). Consultation regarding adequacy of the report is on-going. To date, concurring responses have been received from SHPO (Jacobs, July 11, 2005), Reclamation (Ellis, July 12, 2005), BLM (Stone, July 26, 2005), City of Phoenix (Bostwick, July 18, 2005), Pueblo of Zuni (Quetawki), July 12, 2005), Yavapai-Prescott Indian Tribe (Kwiatkowski, July 22, 2005).
- An addendum Class I overview and addendum Class III survey to address the expansion of the overall study area to include portions of the I-10 and State Route 101L freeway corridors and shifts in the alternative alignments (late 2004 and early 2005). The addendum Class I report was titled "*An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona*" (Brodbeck and Touchin 2005). The Class III report was titled "*An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona*" (Brodbeck 2005). To date, concurring responses have been received from SHPO (Jacobs, October 3, 2005), Reclamation (Ellis, September 19, 2005), City of Phoenix (Bostwick, November 1, 2005), and SRP (Anduze, September 19, 2005).

Current Consultation:

A second addendum cultural resources assessment report has been prepared by HDR, Inc. in order to address the National Register of Historic Places (NRHP) eligibility of four properties and clarifies the location of a fifth property relative to the APE. In September 2005, the W55 and W71 were shifted north of the Salt River to avoid potential impact to historic properties. As a result of this shift, two historic residential properties were added to the APE: 6304 West Dobbins Road and 7316 West Lower Buckeye Road. Furthermore, two properties in the existing APE required additional evaluation: South Mountain Park/Preserve and specific segments of the Roosevelt Canal (AZ T:10:83 [ASM]) in the alternative alignments. Finally, the location of the Western Canal (AZ T:12:154 [ASM]) relative to the APE is addressed. The report, "*A Second Addendum Cultural Resources Report for the 202L, South*

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Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona" (Brodbeck 2006), assesses the NRHP eligibility of South Mountain Park/Preserve and the Roosevelt Canal (Brodbeck 2006). As subconsultants to HDR, architectural historians with EcoPlan Associates (EcoPlan) assessed the two residential properties (Brodbeck 2006, Appendix A). The report is enclosed for your review and comment.

South Mountain Park/Preserve is a municipal park owned by the City of Phoenix and managed by their Parks and Recreation Department. Approximately 32 acres of the 16,000+ acre-park is in the proposed E1 Alignment. FHWA and ADOT recommend that the South Mountain Park/Preserve is eligible for inclusion in the NRHP under Criterion A for its associations with the National Park Service (NPS) and Civilian Conservation Corps (CCC) New Deal programs in Phoenix during the Depression era. The park is also recommended as eligible under Criterion C for its overall sensitive design that set historical precedent in planning natural parks and implementing NPS design standards for improvements in wilderness area parks. While the current study focused on the 32 acres within the footprint of the E1 Alternative, further evaluation of the park's entire 16,000+ acres has the potential to establish eligibility under Criterion B for associations with influential NPS architects; under Criterion C for the architectural merit of its buildings and structures, both individually and collectively as a district; and under Criterion D for its collection of prehistoric archaeological sites and historical mining-related sites (components of the park's mining sites may also be eligible under Criterion A pending further study).

In its entirety, the Roosevelt Canal—AZ T:10:83 (ASM)—is considered eligible for the NRHP under Criterion A for its associations with the historical development of irrigation districts in lower Salt River Valley. While previous studies for the South Mountain EIS Study acknowledged that the Roosevelt Canal was NRHP eligible (Burden 2002; Darling 2005), the specific segments within the proposed alternative alignments had not been assessed in terms of whether they are contributing or non-contributing to that eligibility. The Roosevelt Canal intersects the proposed alternative alignment footprints in four locations. The canal segments that cross the W55 and W71 Alternatives south of Van Buren Road retain integrity and are recommended as eligible to the National Register under Criterion A as contributing components. The segments that cross the proposed alternative alignments in the I-10 and the 101L freeway corridors are modern realignments that lack historical integrity, and therefore are recommended to be non-contributing components.

The rural residences at 6304 West Dobbins Road and 7316 West Lower Buckeye Road were added to the project's APE as a result of alignment shifts referred to above. Both properties are on privately-owned land. Architectural historians with EcoPlan evaluated the properties' eligibility (Brodbeck 2006, Appendix A). Both properties lack important historical associations and architectural merit, therefore, FHWA and ADOT recommend that neither property is eligible for inclusion in the NRHP.

Finally, the initial Class III survey report for the South Mountain Freeway study (Darling 2005) had identified the Western Canal (AZ T:12:154 [ASM]) as an historic property in the APE, in the E1 Alternative at Elliot Road. The Western Canal is owned and managed by Reclamation and SRP. Further study has indicated that this irrigation feature is actually a tail-water drainage ditch and that the Western Canal terminates prior to reaching the APE. FHWA and ADOT recommend that the Western Canal will not be affected by the proposed undertaking.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed

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cultural resource assessment report and information provided in this letter. If you find the report adequate and agree with the eligibility recommendations, please indicate your concurrence by signing below. At this time, FHWA is once again inquiring whether you have any concerns regarding historic properties of religious or cultural importance to your community within the project area. If you have such concerns, any information you might provide within 30 days of receipt of this letter would be considered in the project planning. If your office opts to participate in cultural resource consultation at a later date, FHWA would make a good faith effort to address any concerns. However, such consultation would not necessitate a reconsideration of this determination of project effect. We also look forward to continuing consultation with your office. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator


Signature for Yavapai-Prescott Concurrence

August 14, 2006
Date

Enclosure
cc.
Greg Glassco, Director, Cultural Research Program, 530 East Merritt, Prescott, Arizona 86301-2038
(enclosure)
SThomas
RGreenspan (MD 619E)
SDThomas:cdm



Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 26, 2006

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Ms. Barbara Stocklin
City of Phoenix
Historic Preservation Officer
200 West Washington Street
Phoenix, Arizona, 85003

Dear Ms. Stocklin:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses ten variations on three alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 west of Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

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In its entirety, the Roosevelt Canal—AZ T:10:83 (ASM)—is considered eligible for the NRHP under Criterion A for its associations with the historical development of irrigation districts in lower Salt River Valley. While previous studies for the South Mountain EIS Study acknowledged that the Roosevelt Canal was NRHP eligible (Burden 2002; Darling 2005), the specific segments within the proposed alternative alignments had not been assessed in terms of whether they are contributing or non-contributing to that eligibility. The Roosevelt Canal intersects the proposed alternative alignment footprints in four locations. The canal segments that cross the W55 and W71 Alternatives south of Van Buren Road retain integrity and are recommended as eligible to the National Register under Criterion A as contributing components. The segments that cross the proposed alternative alignments in the I-10 and the 101L freeway corridors are modern realignments that lack historical integrity, and therefore are recommended to be non-contributing components.

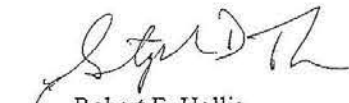
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As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed

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cultural resource assessment report and information provided in this letter. If you find the report adequate and agree with the eligibility recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely yours,


Robert E. Hollis
Division Administrator

Ruth Greenspan, COP HP Planner 8/16/06
Signature for Historic Preservation Office Concurrence Date

Enclosure

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

William R. Rhodes
Governor



Jennifer Allison-Ray
Lieutenant Governor

September 25, 2006

Robert E. Hollis, Division Administrator
U. S. Department of Transportation
Federal Highway Administration
Arizona Division
400 East Van Buren Street, Suite 410
Phoenix, Arizona 85004

RE: South Mountain Transportation Corridor, Section 106 Consultation, Traditional Cultural Places; HA-AZ NH-202-D (ADY); TRACS No. 202L MA 054 H5764 01L

Dear Mr. Hollis,

The Gila River Indian Community (GRIC) has received HDR Engineering, Inc. Cultural Resource Report 06-01, titled "An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona (Brodbeck 2006). The GRIC Cultural Resource Management Program is presently reviewing this report and wishes to present an evaluation of the document to the GRIC Cultural Resource Standing Committee prior to submission to the Federal Highway Administration.

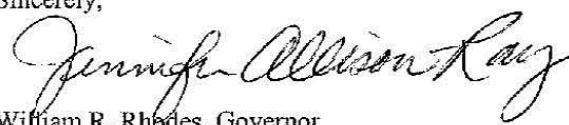
We understand that in accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to make a reasonable and good faith effort to identify historic properties that could be affected by a proposed project. The aforementioned report was prepared for the Arizona Department of Transportation and evaluates the eligibility of historic properties identified in our letter of July 7, 2005.

The Gila River Indian Community wishes to maintain participation in discussions regarding the potential effects to such resources that could result from the South Mountain Freeway project. We anticipate forwarding a formal response to the submitted report in mid October 2006.

525 West Gu u Ki • P.O. Box 97 • Sacaton, Arizona 85247
Telephone: 520-562-9840 • Fax: 520-562-9849 • Email: executivemail@gric.nsn.us

The GRIC appreciates the efforts of the Federal Highway Administration in addressing our concerns and anticipates meaningful consultations in accordance with the National Historic Preservation Act on this undertaking. Please call GRIC Cultural Resource Specialist, Barnaby V. Lewis at 1-520-562-3570 should you have any questions or require further information.

Sincerely,


William R. Rhodes, Governor
Gila River Indian Community

cc: Andrew Darling GRIC-CRMP Assistant Coordinator
Errol Blackwater, GRIC Land Use Planning & Zoning
Doug Torres, GRIC Department of Transportation
Steve Thomas, Environmental Program Manager, FHWA Arizona Division
Kae Neustadt, ADOT Historic Preservation Specialist
Ruth Greenspan, ADOT Historic Preservation Specialist
Mark Brodeck, HDR Engineering, Inc.



Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

December 11, 2006

In Reply Refer To: HOP-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
SR 202L; South Mountain
Final Programmatic Agreement

Ms. Cheryl Blanchard, Archaeologist
Bureau of Land Management
Phoenix Field Office
21605 North 7th Ave.
Phoenix, Arizona 85027-2099

Dear Ms. Blanchard:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway (State Route 202L) between Interstate 10 (I-10) west of Phoenix to I-10 south of Phoenix. As this project is qualified for federal-aid funding, it is considered an undertaking subject to Section 106 review. Because an alternative has not been chosen for the highway, land jurisdiction is unknown at this time. Consulting parties for this project have included FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), Arizona State Land Department, the Bureau of Land Management, the Bureau of Reclamation (Reclamation), the Army Corps of Engineers, the Bureau of Indian Affairs (BIA), the Salt River Project, Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi (Hopi) Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni (Zuni), the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute Tribe, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe (Y-PIT).

Previous consultation with SHPO recommended a Programmatic Agreement (PA) be developed to address potential effects of the project on historic properties. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA] September 9, 2003). Drafts of the PA were submitted to consulting parties in December, 2003, June, 2004, and in July and August, 2005.

In 2004 the ACHP encouraged FHWA to develop a PA in consultation with SHPO and other consulting parties without ACHP participation, but requested to be informed if any criteria for ACHP involvement were met in the future. In September 2005 a revised draft PA was sent to ACHP, and they again responded that they did not feel their participation was necessary (Wallace [ACHP] to Hollis [FHWA]).



The BIA declined to participate in the PA (telephone conversation between Serelle Laine [ADOT] and Garry Cantley [BIA], August 3, 2005). The Hopi Tribe deferred participation in the PA to the GRIC, but said they would like to continue to be consulted on any cultural resource reports relating to the project (Kuwanwisiwma [Hopi] to Neustadt [ADOT], December 11, 2003). The Y-PIT responded to consultation by saying that they do not wish to be a party to the PA, and that they defer to the Southern Tribes, as this project occurs entirely outside aboriginal Yavapai territory (Kwiatkowski [Y-PIT] to Hollis [FHWA], July 22, 2005).

Revisions to the draft PA were requested by SHPO (Jacobs [SHPO] to Laine [ADOT], July 11, 2005) and by Reclamation (Ellis [Reclamation] to Neustadt [ADOT], December 18, 2003). The changes requested by SHPO and Reclamation have been addressed in the final PA.

At this time, FHWA is submitting the final PA for signature. Please review the enclosed PA and the information provided in this letter. If you find the PA adequate, and wish to participate as a concurring party, please obtain the appropriate signature and return the document. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or email rgreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc:
SThomas
RGreenspan (619E)
SDThomas:cdm

The previous letter was also sent to:

Mr. Steve Ross, Archaeologist, Arizona State Land Department
Mr. Bruce Ellis, Chief, Environmental Resource Management Division, Bureau of Reclamation
Mr. Robert B. Stevens, Environmental Programs Manager, Flood Control District of Maricopa County
Mr. Charlie McClendon, City Manager, City of Avondale
Mr. Mike Normand, Transportation Services and Planning Manager, City of Chandler
Mr. Ron Short, Deputy Director for Long Range Planning, City of Glendale
Mr. Todd Bostwick, Archaeologist, City of Phoenix
Ms. Barbara Stocklin, Historic Preservation Officer, City of Phoenix
Mr. Ralph Velez, City Manager, City of Tolleson
Mr. Brian Kenny, Environmental Programs Manager, Maricopa County Department of Transportation
Mr. Stanley Ashby, Superintendent, Roosevelt Irrigation District
Mr. Rick Anduze, Archaeologist, Salt River Project
Ms. Lydia Lopez-Cruz, Archaeologist, United States Army Corps of Engineers
Ms. Delia M. Carlyle, Chairwoman, Ak-Chin Indian Community
Mr. Charles Wood, Chairman, Chemehuevi Indian Tribe
Ms. Sherry Cordova, Chairwoman, Cocopah Tribe
Mr. Daniel Eddy, Jr., Chairman, Colorado River Indian Tribes
Mr. Raphael Bear, President, Fort McDowell Yavapai Nation

Ms. Nora McDowell, Chairwoman, Fort Mojave Indian Tribe
Mr. Mike Jackson, Sr., President, Fort Yuma-Quechan Tribe
Mr. William Rhodes, Governor, Gila River Indian Community
Mr. Thomas Siyuja, Chairman, Havasupai Tribe
Mr. Leigh Kuwanwisiwma, Cultural Preservation Office, Hopi Tribe
Ms. Loretta Jackson, Tribal Historic Preservation Officer, Hualapai Tribe
Mr. Gary Tom, Chairwoman, Kaibab-Paiute Tribe
Dr. Alan Downer, Tribal Historic Preservation Officer, Navajo Nation Historic Preservation Department
Ms. Herminia Frias, Chairwoman, Pascua Yaqui Tribe
Mr. Arlen Quetawki, Governor, Pueblo of Zuni
Ms. Joni Ramos, President, Salt River Pima-Maricopa Indian Community
Ms. Kathleen Wesley-Kitcheyan, Chairwoman, San Carlos Apache Nation
Ms. Evelyn James, President, San Juan Southern Paiute
Mr. Peter Steere, Tribal Historic Preservation Officer, Tohono O’odham Nation
Mr. Joe Joaquin, Cultural Resource Specialist, Tohono O’odham Nation
Mr. Ivan Smith, Chairwoman, Tonto Apache Tribe
Mr. Ronnie Lupe, Chairwoman, White Mountain Apache Tribe
Mr. Jamie Fullmer, Chairwoman, Yavapai-Apache Nation

GILA RIVER INDIAN COMMUNITY
Executive Office of the Governor & Lieutenant Governor

William R. Rhodes
Governor



Jennifer Allison-Ray
Lieutenant Governor

December 19, 2006

Robert E. Hollis, Division Administrator
U.S. Department of Transportation
Federal Highway Administration
Arizona Division
400 East Van Buren Street, Suite 410
Phoenix, Arizona 85004

RE: South Mountain Transportation Corridor, Section 106 Consultation, Traditional Cultural Places; HA-AZ NH-202-D (ADY); TRACS No. 202L MA 054 H5764 01L

Dear Mr. Hollis,

The Gila River Indian Community has received HDR Engineering, Inc. Cultural Resource Report 06-01, titled "An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona" (Brodbeck 2006). The purpose of this report was to assess eligibility of properties for listing on the National Register of Historic Places (NRHP) as Traditional Cultural Properties (TCPs). In review of this report we are providing the following comments;

Preliminary Statement

The Gila River Indian Community (GRIC) maintains that the cultural significance of South Mountain figures prominently in oral traditions of the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; Ak-Chin Indian Community and the Tohono O'odham Nation) as well as the Pee Posh, formally known as the Maricopa Tribe of the GRIC and of the Salt River Pima-Maricopa Indian Community. Traditional religion has always been central to the O'odham that defines their relationship to the natural world and the landscape they live in. Akimel O'odham and Pee Posh religion, oral histories, creation stories, ritual activities, ceremonial practices, and concepts of power and sacred places on the land are all connected to every part of the natural environment and must be treated with reverence and respect. The National Historic Preservation Act of 1966 as amended provides a compliance process for eligibility for these Traditional Cultural Places (TCPs) to the National Register of Historic Places (NRHP). Impacts to these sites must be considered in order to provide some measure of protection. However, application of criteria of significance for the

NRHP by non-Indians, especially those who are not well-acquainted with O'odham and Pee Posh culture, consistently misunderstands, misconstrues, and ignores Native American religious beliefs and priorities, and the needs of the Tribe(s) for the perpetuation and health of their vibrant, living, traditional community.

Traditional Cultural Property Evaluations

Based on Class III Survey and Section 106 consultations, the Gila River Indian Community identified 10 culturally important places as potential traditional cultural properties (TCPs) per NRHP criteria. Construction of the proposed alternative alignments being studied for the EIS for the proposed Loop 202 (202L), South Mountain Freeway will adversely affect these properties. Each property is described below with the eligibility recommendation provided by HDR Engineering, Inc.

South Mountain Range TCP Recommendation: Eligible GRIC: Concur

NOTE: GRIC does not concur with the designation of a "core homeland" by Brodbeck (2006:62-63, Figure 16) as partial justification for TCP status.

NOTE: GRIC does not concur with the boundary of the South Mountain Range TCP as designated by Brodbeck (2006: Figure 14).

We concur with the recommendation that the South mountain Range is eligible to the NRHP under Criterion A and B as a traditional cultural property for its association with the broad patterns of traditional cultural practices and beliefs for the Akimel O'odham, Pee Posh, and other tribes and for its association with O'odham creator deity Se'ehe (Elder Brother).

However, an Akimel O'odham "core homeland" depicted in the TCP evaluation report is inaccurate and downplays the significance of Muhadagi Doag (South Mountain) to all O'odham, Pee Posh, and Colorado River Tribes, and possibly others who maintain an association with the South Mountain Range (Brodbeck 2006:62-63, Figure 16) Brodbeck identifies the traditional homeland of the Akimel O'odham as a core area comprised of the Middle Gila River valley, generally from the Casa Grande Ruins National Monument near the City of Coolidge and the Town of Florence to the confluence of the Gila and Salt Rivers. The south-east end of the traditional core is framed by the Santan Mountains and Sacaton Mountains and the north-west end by the Estrella Mountains and South mountain ranges. This designation is apparently based on the present day boundaries of the Gila River Indian Community. **This representation is not accurate and the GRIC is highly disturbed by this designation**, even though Brodbeck does concede that "While the social, economic, political and religious spheres of the Akimel O'odham ranged far beyond this land, across southern Arizona

and as far as northern Mexico and southern California...the land of their ancestors (the Hohokam), the place of their origin, and the nexus of their spiritual landscape” (2006:62).

We firmly recommend that reference to a “core homeland” and Figure 16 be stricken from the report. If reference to traditional aboriginal lands is necessary to the discussion, we suggest this designation be represented by the 1970 Indian Claims Commission (ICC) Aboriginal Lands title that identifies lands that had been continuously and exclusively used by the Akimel O’Odham (Pima) and the Pee Posh (Maricopa). The ICC ruling placed under aboriginal title an area in excess of over three million acres, far exceeding the reservation lands currently occupied by the peoples of the GRIC today. As a territory, these lands describe the tangible world of the Akimel O’Odham (Pima) and Pee Posh (Maricopa) cultures living in the GRIC, in which religious beliefs, ideology, and life-ways make sense, have place and shape a vibrant heritage and worldview. It should be kept in mind, however, that the aboriginal lands identified by the ICC for Gila River do not include the interests of other Tribes (such as the Colorado River Tribes or the remaining members of the Four Southern Tribes of Arizona) who may be concerned about the status of South Mountain.

South Mountain Range TCP boundary

We **do not concur** with the TCP boundary based on the geology of the mountain. We also do not agree that the boundary as recommended for the purposes of the TCP study is sensitive to its cultural importance and is inclusive of its traditional uses.

GRIC representatives at an on-site consultation on February 9, 2006 related that creating a boundary around Muhadagi Doag is inconsistent with O’Odham worldviews and Muhadagi Doag is a continuum of life and not an individual entity that can be isolated and analyzed. We understand that potential traditional cultural properties must be evaluated with reference to the National Register Criteria for Evaluation [36 CFR Part 60] in order to determine whether South Mountain is eligible for inclusion in the NRHP. The potential entity evaluated must be a “tangible property” and have some form of definition. The GRIC for the purpose of Section 106 consultation recommends that the boundary be a minimum of one mile radius from the base of the geological bedrock formations that protrude from the surrounding alluvial fans or *bajadas*, above the valley floor.

Villa Buena (AZ T:12:9 ASM) TCP Recommendation: Not Eligible
GRIC: Do Not Concur

NOTE: GRIC does not concur and recommends that the Villa Buena site is a TCP under NRHP criteria. The portion of the site located within the proposed South Mountain corridor may be considered noncontributing to the status of the site as a TCP overall (under criterion A). However, this portion in the corridor is eligible under Criterion D for its information potential.

We do not concur with the recommendation for the Villa Buena archaeological site. The GRIC identifies the Villa Buena (AZ T:12:9 ASM) archaeological site, which has shrines, ballcourts, and platform mounds, as a traditional cultural property and feels that it is a TCP under NRHP criteria. The assessment clearly was applied only to the portion of the site in the current proposed South Mountain Corridor located outside the reservation boundary. We believe that the report should specify this and that the portion of the site evaluated for the proposed South Mountain alignment is not representative of the total site’s eligibility. Although modern development has impacted the portion of the Villa Buena site outside the reservation, this site still holds its physical and cultural integrity and modern impact outside the GRIC does not diminish the site’s religious and cultural significance.

Pueblo Del Alamo (AZ T:12:52 ASM) TCP Recommendation: Not Eligible
GRIC: Concur (in general)

GRIC concurs generally with the ineligible TCP determination of the Pueblo del Alamo archaeological site based on NRHP criteria. The GRIC, however, believes the Pueblo Del Alamo (AZ T:12:52 ASM) archaeological site to be a spiritual, religious, and cultural place of significance to the Tribe. The ineligible determination was based on a lack of integrity of surface features. Based on traditional religious beliefs, the site is sacred and holds its sacredness within the earth because the site penetrates the entire earth in its spiritual realm. We understand that modern development has impacted the site but, even if recent developments obscure surface manifestations, subsurface features may still be present and future archaeological investigations may contribute to a revision of site status as a TCP under NRHP criteria. We find the statement (on page 85), “...it is not eligible as a traditional cultural property because in its current condition it no longer conveys its relevant relationship” to be very offensive. In our view the determination of eligibility does not diminish the site’s religious and cultural significance to the Community, even though surface preservation may suggest otherwise.

AZ T: 12:198 (ASM) – Petroglyph site TCP Recommendation: Eligible
GRIC: Concur

We concur that this site is eligible under Criterion A as a contributing component of the South Mountain TCP overall and that it is individually eligible to the NRHP under Criterion D as an archaeological site.

AZ T:12:197 (ASM) – Trail TCP Recommendation: Eligible GRIC: Concur

We concur that this site is eligible under Criterion A as a contributing component of the South Mountain TCP overall and that it is also considered individually eligible to the NRHP under Criterion D as an archaeological site with important information potential.

AZ T:12:208 (ASM) – Petroglyph site TCP Recommendation: Not Eligible
GRIC: Concur (in general)

We concur that the site is no longer an eligible TCP under NRHP criteria due to vandalism and looting. However, it continues to be a contributing feature to the overall TCP status of South Mountain and it should be recognized that this site retains cultural significance for Indian communities, despite the highly diminished integrity of the petroglyphs. Furthermore, the site remains eligible under Criterion D for its association with prehistoric lithic procurement and quarrying.

AZ T:12:201 (ASM); AZ T:12:207 (ASM); and AZ T:12:211 (ASM) – Trail Sites
TCP Recommendation: Not Eligible GRIC: Concur (in general)

We concur that these three trail sites are eligible under criterion D and may not be TCPs. It should be recognized that some trails may be eligible TCPs under Criterion A and B but this should be determined on a case by case basis.

Active Shrine AZ T:12:112 (ASM) TCP Recommendation: Eligible GRIC:
Concur

We concur that the shrine is eligible to the NRHP under Criterion A as a TCP and under Criterion D as an archeological site.

Management Recommendation:

The GRIC notes that this report only provides eligibility recommendations for TCP status for the sites considered. However, this is only a first step towards effective management. It is clear, but never acknowledged, that construction of the proposed South Mountain Freeway alignment will adversely impact TCPs. No substantive management recommendations, such as avoidance, for example, or other strategies for mitigation, are provided in the TCP evaluation by Brodbeck/HDR Engineering, Inc. It is our understanding that management recommendations for TCPs are required in the Environmental Impact Statement (EIS), which apparently exists in draft but has not been received for review by the GRIC Cultural Resource Specialist Office. However, such issues need to be considered in close consultation with the GRIC and other concerned Native American communities.

Conclusion

We reiterate at that the landscape view of Muhadagi Doag (South Mountain) will be forever altered by a transportation corridor that will be intrusive to the spiritual connections associated with the people of the Gila River Indian Community. We are highly concerned that the proposed transportation project will cause the destruction of sacred places and spaces, archeological sites, trails, and shrines located within the proposed corridor. The presence of Muhadagi Doag, the home of ancient deity Se'ehe evokes solemn reverence among the people of the GRIC and any alteration of the Muhadagi Doag will contribute to diminishing our traditional way of life.

The GRIC appreciates the efforts of the Federal Highway Administration in addressing our concerns that must be resolved through the National Historic Preservation Act (NHPA) 106 Consultation process. We anticipate continued and meaningful consultations on this federal undertaking. Please call GRIC Cultural Resource Specialist, Barnaby V. Lewis at 1-520-562-3570 should you have any questions or require further information.

Sincerely,



William R. Rhodes, Governor
Gila River Indian Community

- cc J. Andrew Darling GRIC-CRMP Coordinator
Errol Blackwater, GRIC Land Use Planning & Zoning
Doug Torres, GRIC Department of Transportation
Kae Neustadt, ADOT Historic Preservation Specialist
Ruth Greenspan, ADOT Historic Preservation Specialist
Mark Brodbeck, HDR Engineering, Inc.



Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

December 20, 2006

In Reply Refer To: HOP-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
SR 202L; South Mountain
Final Programmatic Agreement

Mr. John Madsen
Curator of Archaeology, Repatriation Coordinator
Arizona State Museum
P. O. Box 210026
Tucson, Arizona 85721-0026

Dear Mr. Madsen:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway (State Route 202L) between Interstate 10 (I-10) west of Phoenix to I-10 south of Phoenix. As this project is qualified for federal-aid funding, it is considered an undertaking subject to Section 106 review. Because an alternative has not been chosen for the highway, land jurisdiction is unknown at this time. Consulting parties for this project have included FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), Arizona State Land Department, the Bureau of Land Management, the Bureau of Reclamation (Reclamation), the Army Corps of Engineers, the Bureau of Indian Affairs (BIA), the Salt River Project, Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe (Hopi), the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni (Zuni), the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute Tribe, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe (Y-PIT).

Previous consultation with SHPO recommended a Programmatic Agreement (PA) be developed to address potential effects of the project on historic properties. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA] September 9, 2003). Drafts of the PA were submitted to consulting parties in December, 2003, June, 2004, and in July and August, 2005.

In 2004 the ACHP encouraged FHWA to develop a PA in consultation with SHPO and other consulting parties without ACHP participation, but requested to be informed if any criteria for ACHP involvement were met in the future. In September 2005 a revised draft PA was sent to ACHP, and they again responded that they did not feel their participation was necessary (Wallace [ACHP] to Hollis [FHWA]).



The BIA declined to participate in the PA (telephone conversation between Serelle Laine [ADOT] and Garry Cantley [BIA], August 3, 2005). The Hopi Tribe deferred participation in the PA to the GRIC, but said they would like to continue to be consulted on any cultural resource reports relating to the project (Kuwanwisiwma [Hopi] to Neustadt [ADOT], December 11, 2003). The Y-PIT responded to consultation by saying that they do not wish to be a party to the PA, and that they defer to the Southern Tribes, as this project occurs entirely outside aboriginal Yavapai territory (Kwiatkowski [Y-PIT] to Hollis [FHWA], July 22, 2005).

Revisions to the draft PA were requested by SHPO (Jacobs [SHPO] to Laine [ADOT], July 11, 2005) and by Reclamation (Ellis [Reclamation] to Neustadt [ADOT], December 18, 2003). The changes requested by SHPO and Reclamation have been addressed in the final PA.

At this time, FHWA is submitting the final PA for signature. Please review the enclosed PA and the information provided in this letter. If you find the PA adequate, and wish to participate as a concurring party, please obtain the appropriate signature and return the document. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or email rgreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc:
SThomas
RGreenspan (619E)
SDThomas:cdm

The previous letter was also sent to:

Dr. David Jacobs, Compliance Specialist, State Historic Preservation Office

Mr. Bruce Ellis, Chief, Environmental Resource Management Division, Bureau of Reclamation



"Managing and conserving natural, cultural, and recreational resources"

December 28, 2006

Robert E. Hollis, Division Administrator
Federal Highway Administration
U.S. Department of Transportation
One Arizona Center, Suite 410
400 E. Van Buren Street
Phoenix, AZ 85004-0674

Attention: Stephen Thomas

RE: HOP-AZ, NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
SR 202L; South Mountain
Section 106 Consultation
Final Programmatic Agreement
SHPO-2003-1890 (31612)

Dear Mr. Hollis:

Enclosed is the Programmatic Agreement (PA) for the Federal Highway Administration project to construct a loop highway (State Route 202L) between Interstate 10 (I-10) west of Phoenix to I-10 south of Phoenix in Maricopa County. It was signed by James Garrison, the Arizona State Preservation Officer, on December 28, 2006. The document should be filed with the Advisory Council according to 36 CFR § 800.6(b)(1)(iv). We would appreciate receiving a copy of the complete signature page for our files.

We look forward to reviewing and commenting on the project's treatment plans according to stipulations of the PA. We appreciate your continuing cooperation with our office in complying with the requirements of historic preservation. Please contact me at (602) 542-7140 or electronically at djacobs@pr.state.az.us if you have any questions or concerns.

Sincerely,

David Jacobs
Compliance Specialist/Archaeologist
State Historic Preservation Office

Cc: Ruth Greenspan, ADOT

Enclosure

Janet Napolitano
Governor

State Parks
Board Members

Chair
William C. Porter
Kingman

William Cordasco
Flagstaff

Janice Chilton
Payson

William C. Scalzo
Phoenix

Reese Woodling
Tucson

Elizabeth Stewart
Tempe

Mark Winkleman
State Land
Commissioner

Kenneth E. Travous
Executive Director

Arizona State Parks
1300 W. Washington
Phoenix, AZ 85007

Tel & TTY: 602.542.4174
www.azstateparks.com

800.285.3703 from
(520 & 928) area codes

General Fax:
602.542.4180

Director's Office Fax:
602.542.4188



City of Phoenix
HISTORIC PRESERVATION OFFICE

January 8, 2007

U.S. Department of Transportation – Federal Highway Administration
Arizona Division
400 E. Van Buren Street
One Arizona Center, Suite 410
Phoenix, Arizona 85004-0674

Re: HOP-AZ, NH-202(ADY), TRACS No. 202L MA 054 H5764 01L
SR 202 L – South Mountain Final Programmatic Agreement

Dear Mr. Robert Hollis:

I have signed the enclosed Programmatic Agreement on behalf of the City of Phoenix as a concurring party.

If you need additional information, please contact me by telephone at (602) 261-8699 or by fax at (602) 534-4571.

Sincerely,

Barbara Stocklin
Historic Preservation Officer

Attachment

cc: Todd Bostwick, City Archaeology Office

207 JAN 12 AM 7:48



P. O. Box 52025
Phoenix, AZ 85072-2025
(602) 236-5900
www.srpnet.com

Mail Station: PAB352
Phone: (602) 236-2804
Fax: (602) 236-3407
Email: raanduze@srpnet.com

16 January 2007

Robert E. Hollis
Division Administrator, Arizona Division
USDT Federal Highway Administration
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, AZ 85004-0674

RE: HOP-AZ; NH-202-D(ADY); TRACS No. 202L MA 054 H5764 01L; SR 202L; South Mountain Final Programmatic Agreement

Dear Mr. Hollis:

The Salt River Project (SRP) does want to be included as a Concurring Party to the South Mountain Final Programmatic Agreement. I have enclosed the document provided to SRP and signed by Ray Hedrick, Manager, Siting and Studies, Environmental Services.

Sincerely,

Richard A. Anduze
Environmental Scientist/Archaeologist

File: LEG 1-1-2

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP

JAN 19 2007

EC 13152.017



Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

January 18, 2007

In Reply Refer To: HOP-AZ
NH-202-D (ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places
Eligibility Evaluation Report

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP

JAN 19 2007

Mr. William Rhodes, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Rhodes:

We are in receipt of your letter of December 19, 2006 in response to the Federal Highway Administration's (FHWA's) consultation regarding the report, "An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona" (Brodbeck 2006). The report is being revised in response to your comments, and the revised document will be sent to you for review and further comment.

In the interim, we want to ensure that the interests of the Community continue to be taken into account as design alternatives are developed and considered for this proposed project. As part of this process, we would like for the design consultants to be able to consider all options for minimizing impacts to those properties that are of cultural significance to your Community. In order for the design team to take into consideration alternatives that would avoid the active shrine site, AZ T:12:112(ASM), it would be necessary for them to be aware of the area to be avoided.

We are therefore requesting your permission to disclose the general location of the shrine to the project manager, the prime design consultant, and a small number of support personnel in order to request that they develop design alternatives that would avoid the shrine, allow continued access, and minimize indirect impacts to it. If permission to identify areas of avoidance were given, we would divulge only the general location of the property, and not provide any specific information regarding the nature of the property or its significance.

Thank you for your consideration of this request. If you agree to allow disclosure of the general location of the active shrine, AZ T:12:112 (ASM), to a limited number of people involved in the design process, please sign below to indicate your concurrence. We look forward to continuing



consultation with your office. If you have any question or concerns, please do not hesitate to call Ruth Greenspan at 602-712-6266 or email RGreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Signature for Tribal Concurrence

Date

cc:

SThomas

RGreenspan (M D619E)

J. Andrew Darling, Coordinator, Cultural Resource Management Program, GRIC, P.O. Box 2140,
Sacaton, AZ 85247

Barnaby V. Lewis, Cultural Resource Specialist, GRIC, P.O. Box E, Sacaton, AZ 85247

SDThomas:cdm



Fort McDowell Yavapai Nation

Office of the General Counsel

P.O. Box 17779, Fountain Hills, AZ 85269-7779

Phone (480) 816-7180 Fax (480) 789-7249

January 16, 2007

Federal Highway Administration
Attn: Steve Thomas
Arizona Division
400 E. Van Buren Street
One Arizona Center Suite 410
Phoenix Arizona

RE: Programmatic Agreement –Loop 202 S. Mountain Ext.

Dear Steve Thomas:

President Bear has signed the attached Agreement on behalf of the Fort McDowell Yavapai Nation ("Nation"). Ruth Greenspan advised me to forward this to you.

Sincerely:

Thomas J. Moriarty
Office of the General Counsel
Fort McDowell Yavapai Nation

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP

JAN 29 2007



February 22, 2007

Mr. Robert E. Hollis
Division Administrator
Federal Highway Administration, Arizona Division
400 E. Van Buren Street, One Arizona Center #410
Phoenix AZ 85004-0674

Re: SR202 South Mountain Final Programmatic Agreement
TRACS # 202L MA 054 H5764 01L

Dear Mr. Hollis:

The City of Chandler is in receipt of your letter dated December 11, 2006 regarding the Final Programmatic Agreement for the referenced project. Since no construction is anticipated to occur within the City's jurisdiction as part of this project, the City does not wish to sign the Agreement. However, the City would like to be consulted throughout the environmental planning, design and construction process.

Thank you for your cooperation. Should you have any questions, please contact me at (480) 782-3431, or email me at Samuel.Hanna@chandleraz.gov.

Sincerely yours,

Samuel Hanna, Ph.D., P.E.
Senior Transportation Engineer

cc: Daniel W. Cook, Acting Public Works Director
Mike Normand, Acting Assistant Public Works Director/Transportation & Operations
Ruth Greenspan, ADOT Environmental Planning Group
205 S. 17th Ave., Room #213, MD 619E, Phoenix AZ 85007

Mailing Address
Mail Stop 402
PO Box 4008
Chandler, Arizona 85244-4008

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**Public Works Department
Transportation**
Telephone (480) 782-3425
Fax (480) 782-3415
www.chandleraz.gov

Location
215 East Buffalo Street
Chandler, Arizona 85225



Janet Napolitano
Governor

Victor M.
Mendez
Director

Arizona Department of Transportation

Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Sam Elters
State Engineer

May 15, 2007

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

RE: Project No NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Jackson Farmstead Eligibility

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway EIS & Location/Design Concept Report project. The EIS addresses variations on three alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. One of the alignments, the W55 alignment, was recently shifted to avoid an industrial facility at the southwest corner of 51st Avenue and Van Buren Street. As a result of this shift, an historic farmstead located at 5727 West Van Buren Street, referred to herein as the Jackson farmstead, is now in the project's area of potential effects (APE) and requires evaluation.

As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review. The Jackson farmstead is on private property in the City of Phoenix. Consulting parties for this assessment include FHWA, ADOT, the State Historic Preservation Office (SHPO), and the City of Phoenix Historic Preservation Office. Due to the scope and nature of this component of the project, no tribal consultations will occur.

EcoPlan & Associates, Inc., as subconsultant to HDR Engineering, Inc., evaluated the eligibility of the Jackson farmstead for listing on the National Register of Historic Places (NRHP). The results of the assessment are reported in a technical memorandum, dated December 4, 2006 (Dorigo 2006), which is enclosed for your review.

Based on Dorigo's evaluation, FHWA/ADOT recommend the Jackson farmstead is not eligible for inclusion the NRHP due to a general lack of historical and architectural significance. Its

Jacobs
TRACS No. 202L MA 054 H5764 01L
Project No NH-202-D(ADY)
May 15, 2007
Page 2 of 2

setting has lost its rural character and the current property is only a fraction of the original farmstead. The property fails to convey the character of a historical farmstead in the context of the agricultural development of the Salt River valley. Furthermore, because of their lack of historical and architectural significance, the two remaining houses on the property, individually, are also recommended not eligible for the NRHP.

Please review the enclosed report and the information provided in this letter. If you find the report adequate and agree with FHWA/ADOT's eligibility recommendation, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact me at 602-712-6626 or e-mail rgreenspan@azdot.gov.

Sincerely,



Ruth L. Greenspan
Historic Preservation Specialist
Environmental Planning Group
205 S.17th Avenue, Room 213E / MD 619E
Phoenix, Arizona 85007

Signature for SHPO Concurrence

Date

Enclosure

cc: SThomas (FHWA)

This letter was also sent to:
Ms. Liz Wilson, Historic Preservation Officer, City of Phoenix



U.S. Department
of Transportation
**Federal Highway
Administration**

ARIZONA DIVISION

May 24, 2007

400 East Van Buren Street,
Suite 410
Phoenix, Arizona 85004-0674
602-379-3646

In Reply Refer To:
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Draft Programmatic Agreement

Ms. Carol Legard
Historic Preservation Specialist
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 809
Washington, D.C. 20004

Dear Ms. Legard:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

FHWA originally consulted with your office regarding the draft Programmatic Agreement (PA) in August 2003, and again in September, 2005. In response to both consultations, the Advisory Council on Historic Preservation (Council) declined to participate in the PA. Pursuant to 36 CFR 800.6(b)(iv), at this time FHWA is submitting the final PA to the Council to complete the requirements of Section 106 of the National Historic Preservation Act. If there is any additional information that you require, or if you have any questions or comments, please Ruth Greenspan at 602-712-6266 or electronically at RGreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure (Programmatic Agreement)

cc:
SThomas ,RGreenspan (619E), MHollowell (619E)
SDThomas:cdm

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ARIZONA DIVISION

June 13, 2007

400 East Van Buren Street,
Suite 410
Phoenix, Arizona 85004-0674
602-379-3646

In Reply Refer To:
HOP-AZ

NH-202-D(ADY)
Project No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places
Eligibility Evaluation Report

Mr. William Rhodes, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Rhodes:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Draft Environmental Impact Statement (DEIS) and Location/Design Concept Report for the proposed Loop 202 (SR 202L), South Mountain Freeway. The DEIS addresses variations of alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from the Interstate 10 (I-10) and SR 202L traffic interchange to I-10 in western Phoenix. This project is a federal action that requires compliance with Section 106 of the National Historic Preservation Act. The area of potential effects (APE) consists of the alternative alignment corridors.

The proposed alternative alignments being studied for the DEIS have the potential to affect archaeological sites and natural features on the landscape that are deemed sacred by Native American tribes and that may qualify for the National Register of Historic Places as traditional cultural properties (TCPs). In accordance with the regulations of the National Historic Preservation Act (36 Code of Federal Regulations [C.F.R.] Part 800.4), which requires federal agencies to make a reasonable and good faith effort to identify historic properties that could be affected by a proposed project, FHWA and ADOT conducted an eligibility evaluation of TCPs in the APE for alternative alignments of the proposed undertaking.

The results of the TCP evaluation were reported in *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2006). FHWA and ADOT appreciate the Gila River Indian Community's (Community) comments on the report, sent on December 19, 2006, and we

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are in the process of revising the TCP evaluation report accordingly. The purpose of this letter is to ask for additional input on the boundary for the South Mountain TCP.

FHWA and ADOT recognize that creating any type of boundary around *Muhadagi Doag* (South Mountain) is inconsistent with O'odham and Pee Posh worldviews and that *Muhadagi Doag* is part of a continuum of life interwoven with far-reaching social, cultural, spiritual, and physical landscapes. Furthermore, we appreciate the Community's understanding that potential traditional cultural properties must be evaluated with reference to the National Register of Historic Places Criteria for Evaluation (36 C.F.R. Part 60) to determine if *Muhadagi Doag* is eligible for the National Register, and that this requires delineating a boundary to define it as a tangible property.

In the draft TCP eligibility report (Brodbeck 2006), the boundary for the *Muhadagi Doag* TCP was initially based on geologic features, and defined the mountain range through a series of disjointed bedrock protrusions (see enclosed map). Per your response, we understand that this boundary was not fully sensitive to its cultural importance as viewed by the Community and not adequate for Section 106 purposes because it was not inclusive of all of its traditional uses. We appreciate your suggestion to use a one mile radius from the base of the geological bedrock formations to provide a boundary that is culturally sensitive to and inclusive of traditional uses. As shown in the enclosed figure, when this boundary is mapped out it includes a combination of natural desert, agricultural fields, and built-out urban areas, such as residential subdivisions and the I-10/US 60 traffic interchange.

To assess the National Register eligibility of the *Muhadagi Doag* TCP, FHWA and ADOT propose using a boundary that is inclusive of its traditional uses and balanced with the surrounding built urban environment. The revised proposed boundary minimizes the inclusion of surrounding urban areas, such as housing subdivisions and freeway corridors, where no traditional uses of the South Mountain TCP are known to exist. In keeping with the Community's suggestions, this proposed boundary includes surrounding natural and less-developed areas where traditional activities and access to the mountain are maintained.

In the Southern Foothills area, there are areas where modern urban development falls within the proposed TCP boundary. These instances are ones where the built environment is fully surrounded by natural, undeveloped areas. The boundary was drawn to include those areas in order to capture the fullest possible extent of culturally sensitive traditional use areas directly associated with the TCP.

Please review the information provided in this letter and the enclosed map showing our proposed revised boundary for the *Muhadagi Doag* TCP. If you agree with the use of this proposed boundary for the National Register eligibility assessment, please sign below to indicate your concurrence.

At this time we would also like to reiterate our request of January 18, 2007 regarding AZ T:12:112(ASM), the active shrine site. FHWA and ADOT are committed to investigating strategies to minimize potential impacts to historic properties and TCPs. In a letter dated January 18, 2007 we requested permission to disclose the general location of AZ T:12:112(ASM) to the project manager, the prime design consultant, and a small number of support personnel so that they might investigate design alternatives that would avoid the shrine, allow continued access,

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and minimize indirect impacts to it. To date, we have not received a response. The draft Environmental Impact Statement (DEIS) will be made public soon, and as you pointed out in your December 19, 2006 letter, that document will include management recommendations to mitigate any potential adverse effects to TCPs, including the active shrine. We are requesting your input in investigating potential measures to minimize harm to the shrine, and requesting permission to involve the engineering design team in this effort.

Your December 19, 2006 letter also pointed out the need for mitigation strategies to be considered in close consultation with the Community and other concerned Native American communities. We, too, recognize the need for close consultation regarding potential mitigation strategies and other issues of mutual concern relating to the proposed South Mountain Freeway. As there are a number of issues that have thus far not been effectively resolved through our written consultations, we propose some meetings between the Community, FHWA, and ADOT. We recognize that formal decisions are unlikely to be made in such a forum, but feel that face-to-face meetings would allow for an exchange of ideas and concerns and identify issues that could be brought back to our respective Community/agencies for discussion and consideration.

We look forward to continued consultation with you. If you have any question or concerns, please do not hesitate to call Ruth Greenspan at 602-712-6266 or email RGreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Signature for GRIC Concurrence

Date

Enclosure

cc:

Jennifer Allison-Ray, Lieutenant Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247
David White, Community Manager, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247
Barnaby Lewis, Cultural Resource Specialist, Gila River Indian Community, P.O. Box 2140, Sacaton, Arizona 85247
J. Andrew Darling, CRMP Coordinator, Gila River Indian Community, P.O. Box 2140, Sacaton, Arizona 85247
SThomas
WVachon
KDavis
MHollowell (EM02)
RGreenspan (EM02)
MBrunder (614E)
SDThomas:cdm

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

William R. Rhodes
Governor



Jennifer Allison-Ray
Lieutenant Governor

July 2, 2007

Robert E. Hollis, Division Administrator
U. S. Department of Transportation
Federal Highway Administration
Arizona Division
400 East Van Buren Street, Suite 410
Phoenix, Arizona 85004

RE: South Mountain Transportation Corridor, Section 106 Consultation, Traditional Cultural Places, Eligibility Report; HOP-AZ NH-202-D (ADY); Project No. 202L MA 054 H5764 01L

Dear Mr. Hollis,

The Gila River Indian Community (GRIC) in response to your letter dated June 13, 2007 in which you requested additional input on the boundary for the Muhadagi Doag (South Mountain) TCP. We appreciate that you recognize the need for close consultation regarding potential mitigation strategies in close consultation with the GRIC and other concerned Native American communities.

We appreciate that the FHWA acknowledges that the draft TCP eligibility report (Brodbeck 2006), defined the boundary for the Muhadagi Doag TCP based on geological features is not fully sensitive to the cultural importance as viewed by the GRIC and is not adequate for Section 106 purposes because it was not inclusive of all of its traditional uses. In review of the information provided in your letter and the enclosed proposed revised boundary map for the Muhadagi Doag TCP. The GRIC wishes further consultation before its submission for the purposes of National Register eligibility assessment.

We understand that the draft Environmental Impact Statement (DEIS) will be made public soon, and pleased that DEIS will include management recommendations to mitigate any potential adverse effects to TCPs, including the active shrine.

We agree that some meetings between the GRIC, FHWA, and ADOT must be scheduled at the earliest possible time to discuss your request for permission to disclose the general location of AZ T:12:112 (ASM), active shrine area in order to investigate design alternatives that would avoid the shrine, allow continued access, and minimize indirect

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impacts to the shrine. We request consideration in inviting the State Historic Preservation Office to the proposed meeting as we discuss issues that have not been resolved through written communications.

The GRIC appreciates the efforts of the Federal Highway Administration in addressing our grave concerns that must be resolved through the National Historic Preservation Act 106 Consultation process. We anticipate continued and meaningful consultations on this federal undertaking. Please call GRIC Cultural Resource Specialist, Barnaby V. Lewis at 1-520-562-6713 should you have any questions or require further information.

Sincerely,



William R. Rhodes, Governor
Gila River Indian Community

cc J. Andrew Darling GRIC-CRMP Coordinator
Errol Blackwater, GRIC Land Use Planning & Zoning
Doug Torres, GRIC Department of Transportation
Kae Neustadt, ADOT Historic Preservation Specialist
Ruth Greenspan, ADOT Historic Preservation Specialist
Mark Brodbeck, HDR Engineering, Inc.

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP

JUL 27 2007

U.S. Department
of Transportation
Federal Highway
Administration

ARIZONA DIVISION

April 22, 2008

Phoenix, Arizona 85004-0674
602-379-3646

In Reply Refer To:
HOP-AZ

NH-202-D(ADY)
Project No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places
Mitigation Measures

Mr. William Rhodes, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Rhodes:

In previous consultation regarding the potential effects of the proposed SR 202L (South Mountain Freeway) on historic properties and other places of concern to the Gila River Indian Community (GRIC), it was suggested that some informal meetings between representatives of GRIC, the Federal Highway Administration (FHWA), the Arizona Department of Transportation (ADOT), and the State Historic Preservation Office (SHPO) should take place in order to address possible mitigation strategies relating to a proposed freeway option. Following receipt of your letter of July 2, 2007, several informal meetings and conversations have held between various representatives of the GRIC Cultural Resource Specialist's Office (CRSO), GRIC Cultural Resource Management Program (CRMP), the FHWA, the ADOT Historic Preservation Team (HPT), the SHPO, and the City of Phoenix Archaeology Section (COP-AS). As a result of these various meetings, FHWA and ADOT have been pursuing two possible strategies to help mitigate potential adverse effects of the proposed freeway on the *Muhadagi Doag* (South Mountain) Traditional Cultural Property (TCP) and other places of traditional significance to your community.

Previous consultation regarding the *Muhadagi Doag* TCP addressed attempts to define a boundary that could be used to satisfy FHWA's Section 106 (of the National Historic Preservation Act) responsibilities and afford protection to *Muhadagi Doag*. As a result of this consultation, FHWA recognizes that the traditional use areas of *Muhadagi Doag* extend on the south and southwest beyond the northern boundary of the Community, and that any of the build alternatives of the proposed freeway would have an adverse effect on the *Muhadagi Doag* TCP. During consultation

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it was also recognized that although some areas of *Muhadagi Doag*, such as the southwest ridges, clearly active traditional use areas, fully defining a meaningful boundary for the TCP as a whole will require a more detailed study of traditional uses and cultural significance of *Muhadagi Doag*. Rather than define an arbitrary boundary until such time as a more meaningful boundary can be identified, FHWA proposes to formally acknowledge that any of the build alternatives of the proposed freeway would impact the southern and southwestern portion of *Muhadagi Doag*, and would have an adverse effect on the TCP. At this time, FHWA would like to proceed with consultation addressing specific mitigation measures to address that adverse effect.

One such mitigation measure discussed at some of the above-referenced meetings is for FHWA and ADOT to provide funds for GRIC CRMP to conduct a detailed study of traditional uses and cultural significance of *Muhadagi Doag*. The City of Phoenix is currently working on a National Register of Historic Places (NRHP) eligibility study of the archaeological and historical sites within South Mountain Park/Preserve. The City of Phoenix Archaeologist, the GRIC CRMP Coordinator, and the GRIC CRSO have expressed interest in working together and expanding the on-going study to include an evaluation of the *Muhadagi Doag* TCP. FHWA and ADOT are willing to consider funding GRIC's participation in this proposed study. If this potential mitigation measure is something that you are interested in pursuing, we request that you provide a brief scope of work and budget for the proposed study, to ensure a common understanding about exactly what proposal is being considered.

Additionally, FHWA and ADOT are currently investigating design options to minimize impacts to the active shrine site, AZ T:12:112(ASM) and a rock art site, AZ T:12:198(ASM). We would like to meet with members of your Community to present and discuss some of these possible options.

If you are interested in pursuing these potential mitigation measures, we look forward to receiving a proposal for a study of the *Muhadagi Doag* TCP, and to meeting with you to discuss possible avoidance measures. We look forward to continued consultation with you. If you have any question or concerns, please do not hesitate to call Ruth Greenspan at 602-712-6266 or email RGreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Signature for GRIC Concurrence

Date

cc:
Jennifer Allison-Ray, Lieutenant Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247
David White, Community Manager, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247
Barnaby Lewis, Cultural Resource Specialist, Gila River Indian Community, P.O. Box 2140, Sacaton, Arizona 85247
J. Andrew Darling, CRMP Coordinator, Gila River Indian Community, P.O. Box 2140, Sacaton, Arizona 85247
SThomas
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KDavis
MHollowell (EM02)
RGreenspan (EM02)
MBruder (EM01)
MBurdick (118A)
SDThomas:cdm



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85247

RESOLUTION NO. GR-41-07

A RESOLUTION DESIGNATING THE SOUTH MOUNTAIN RANGE (*Muhadag*, *Avikwaxós*) AS A SACRED PLACE AND TRADITIONAL CULTURAL PROPERTY OF THE GILA RIVER INDIAN COMMUNITY.

WHEREAS, the Gila River Indian Community Council ("the Community Council") is the governing body of the Gila River Indian Community ("the Community"); and

WHEREAS, the Community Council on January 6, 1982, did adopt Ordinance No. GR-01-82 under Title XV of the Gila River Indian Community Law and Order Code in which "[i]t is...declared as a matter of Community policy and legislative determination, that the public interests of the Pima-Maricopa people and the interests of all other persons living within the jurisdiction of the Gila River Indian Community require that the Community adopt a means whereby all sites, location, structures, and objects of sacred, historical or scientific interest or nature will be protected from desecration, destruction, theft, or other interference."; and

WHEREAS, the Community Council through Resolution GR-15-89 did approve the Policy Statement of the Four Southern Tribes (Salt River Pima-Maricopa Indian Community, Ak Chin Indian Community, Tohono O'odham Nation, and the Gila River Indian Community) which outlines the Four Tribes intent to protect, promote, and preserve cultural affinity to the HuHuKam; and

WHEREAS, the Community Council has always held the preservation of historical, archaeological, cultural, religious sites as a high priority and recognizes the need to protect the cultural heritages of the Akimel O'odham (Pima) and the Pee Posh (Maricopa); and

WHEREAS, the identification and authentication of sacred places / traditional cultural properties is the sole responsibility of the federally recognized tribe according to its unique culture; and

WHEREAS, the Community does recognize certain locations to be sacred places / traditional cultural properties based on the unique cultural and spiritual beliefs of the Akimel O'odham (Pima) and the Pee Posh (Maricopa); and

GILA RIVER INDIAN COMMUNITY RESOLUTION GR-41-07 PAGE 2 OF 2

WHEREAS, all, but not limited to, of the places referenced in the oral traditions of the Akimel O'odham (Pima) and the Pee Posh (Maricopa) are culturally and spiritually significant to the continuing life ways of the Akimel O'odham (Pima) and the Pee Posh (Maricopa); and

WHEREAS, the *Muhadag* (Pima language) also known as (a.k.a.) *Avikwaxós* (Maricopa language), a.k.a. Greasy Mountain (English language), and geographically known as the South Mountain, South Mountain Range, or Salt River Mountains (Range) figures prominently in oral traditions of both the Akimel O'odham (Pima) and the Pee Posh (Maricopa)

NOW THEREFORE BE IT RESOLVED, that the Community Council hereby does acknowledge and recognize that the South Mountain Range in its entirety is a sacred place / traditional cultural property and must be kept inviolate.

BE IT FURTHER RESOLVED, that the Community Council hereby strongly opposes any alteration of the South Mountain Range for any purpose would be a violation of the cultural and religious beliefs of the Gila River Indian Community and would have a negative cumulative affect on the continuing lifeways of the people of the Gila River Indian Community.

BE IT FINALLY RESOLVED, that the Governor, or in his absence, the Lieutenant Governor, is hereby authorized to sign and execute such documents as are necessary to effectuate this resolution.

CERTIFICATION

Pursuant to authority contained in Article XV, Section 1, (a) (7), (9), (18), and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the Tribe January 22, 1960, and approved by the Secretary of the Interior on March 17, 1960, the foregoing Resolution was adopted on the 4th of April, 2007, at a Regular Community Council Meeting held in District 3, Sacaton, Arizona at which a quorum of 10 Members were present by a vote of: 9 FOR; 0 OPPOSE; 1 ABSTAIN; 5 ABSENT; 2 VACANCIES.

GILA RIVER INDIAN COMMUNITY


GOVERNOR

ATTEST:


COMMUNITY COUNCIL SECRETARY



GILA RIVER INDIAN COMMUNITY

POST OFFICE BOX 2140, SACATON, AZ 85247

CULTURAL RESOURCE MANAGEMENT PROGRAM

(520) 562-7150
(520) 562-7165
Fax: (520) 562-3268

November 18, 2008

Robert E. Hollis, Division Administrator
U.S. Department of Transportation
Federal Highway Administration
Arizona Division
400 East Van Buren Street, Suite 410
Phoenix, Arizona 85004

Dear Mr. Hollis:

In reply to your previous request of April 22, 2008, please find attached a draft summary scope of work for proposed efforts offered as partial mitigation in connection with adverse effects to the Traditional Cultural Property (TCP) known as *Muhadagi Doag* (South Mountain), which will result with the proposed development of SR 202L (South Mountain Freeway) as currently designed.

This summary scope recommends a Phased Treatment Plan be developed, which is appropriate when eligible properties are adversely affected by a federal undertaking and avoidance is not possible, as follows:

Phase I – Treatment Plan Development
Phase II – Implementation of the Study
Phase III – Reporting and NRHP nomination of the South Mountain TCP.

Understanding that previous cultural resource assessments, consultation with ADOT-FHWA, and GRIC Council resolution (with support from other Tribes) all agree that South Mountain is a TCP, this proposal serves to address the need to provide a strategy for mitigation in the draft Environmental Impact Statement (EIS) for the South Mountain Freeway Project.

We look forward to further comment and discussion of this proposal. Upon receipt of your concurrence or following revision of the proposal, the final version may be cited in the EIS in connection with the *Muhadagi Doag* TCP. Please note, that all other impacts to cultural properties located within the proposed alignment, or that will be directly or indirectly impacted by proposed construction, will need to be addressed in accordance with federal regulations provided under NEPA and the NHPA.

If you have any questions or require further information, please contact me at (520) 562-7151 or jadarlin@gilariver.com.

Sincerely,

J. Andrew Darling
Coordinator



U.S. Department
of Transportation
Federal Highway
Administration

ARIZONA DIVISION

January 13, 2009

4000 North Central Avenue,
Suite 1500
Phoenix, Arizona 85012-1906
602-379-3646

In Reply Refer To:
HOP-AZ

NH-202-D(ADY)
202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation

Mr. William Rhodes, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Rhodes:

The Federal Highway Administration (FHWA) is in receipt of the November 18, 2008 draft summary scope of work that you provided in response to our consultation of April 22, 2008. The summary recommends development of a Phased Treatment Plan for a study of the traditional uses and cultural significance of the Traditional Cultural Property (TCP) known as *Muhadagi Doag* (South Mountain). This study would complement and expand upon ongoing studies that contribute to the overall knowledge base of *Muhadagi Doag* and would serve as the basis of an evaluation of *Muhadagi Doag*'s eligibility for inclusion in the National Register of Historic Places (NRHP) as a TCP. Financial support of this study by FHWA and the Arizona Department of Transportation (ADOT) would constitute partial mitigation to resolve potential adverse effects to *Muhadagi Doag* as a result of the development of the proposed South Mountain Freeway.

FHWA and ADOT find the proposal acceptable, with the following clarifications. If you agree with these bullets, please sign the concurrence line at the end of this letter. The next step after your concurrence, would be for ADOT and Gila River Indian Community (Community) to enter into a Joint Project Agreement.

- FHWA's role in consultation regarding the study and its deliverables will be limited to the potential effects of the proposed South Mountain Freeway on the *Muhadagi Doag* TCP as required by Section 106 (of the National Historic Preservation Act), Section 4(f) (of the Department of Transportation Act of 1966, as amended), and the National Environmental Policy Act of 1969 (NEPA).
- The process of nominating the *Muhadagi Doag* TCP to the NRHP will be undertaken by the Community.
- FHWA and ADOT will be invited to participate in the public component of the work sessions.
- FHWA and ADOT will be invited to participate in the development of the Management Plan.
- With the exception of culturally sensitive documents, or portions of documents, the deliverables resulting from this study will be available to FHWA and ADOT for use in fulfilling FHWA's responsibilities under NEPA, Section 106, and Section 4(f) with regards to the proposed South Mountain Freeway or any other current or future projects.
- The funding of the *Muhadagi Doag* TCP study is a mitigation measure to resolve adverse effects of the proposed South Mountain Freeway. Therefore, if the Environmental Impact Statement (EIS) for

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the proposed project were to be cancelled or put on hold prior to the implementation of the proposed TCP study, financial support of the study would also be cancelled or put on hold until such time as the EIS were to move forward again.

Additionally, FHWA and ADOT have responded to the request made at our meeting on November 18, 2008 to investigate an elevated split design to minimize impacts to the active shrine site, AZ T:12:112(ASM). A design has been developed and efforts are underway to coordinate a presentation of that design to your Community.

We look forward to your response to our comments regarding the proposed study of the *Muhadagi Doag* TCP, and to discussing the proposed avoidance measures. If you have any question or concerns, please do not hesitate to call Ruth Greenspan at 602-712-6266 or email RGreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Signature for GRIC Concurrence

Date

cc:
Jennifer Allison-Ray, Lieutenant Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247
David White, Community Manager, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247
Barnaby Lewis, Cultural Resource Specialist, Gila River Indian Community, P.O. Box 2140, Sacaton, Arizona 85247
J. Andrew Darling, CRMP Coordinator, Gila River Indian Community, P.O. Box 2140, Sacaton, Arizona 85247
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AHansen
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MHollowell (EM02)
RGreenspan (EM02)
MBruder (EM01)
MBurdick (118A)
SDThomas:cdm



ARIZONA DIVISION

April 28, 2010

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602-379-3646
Fax: 602-382-8998
<http://www.fhwa.dot.gov/azdiv/index.htm>

In Reply Refer To:
NH-202-D (ADY)
HOP-AZ

NH-202-D (ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
"no adverse effect"

Mr. William Rhodes, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Rhodes:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) initiated consultation regarding a proposed study of the *Muhadagi Doag* TCP (Hollis [FHWA] to Rhodes [Gila River Indian Community] January 13, 2009). FHWA found the proposal acceptable, pending clarification and elaboration of a few points before formal approval. The consultation letter also addressed the request made at the November 18, 2008 meeting to investigate an elevated split design to minimize impacts to the active shrine site, AZ T:12:112(ASM). A design has been developed and efforts are underway to coordinate a presentation of that design to your Community. A copy of the consultation is enclosed to assist you in your review.

FHWA would like to offer another opportunity for the Gila River Indian Community to respond to comments regarding the proposed study of the *Muhadagi Doag* TCP, and to discuss the proposed avoidance measures. We look forward to continuing consultation with your office. If



you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or email Ldavis2@azdot.gov.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc:

J. Andrew Darling, Coordinator, Cultural Resource Management Program, GRIC, P.O. Box 2140, Sacaton, AZ 85247 (with enclosures)
Barnaby V. Lewis, Cultural Resource Specialist, GRIC, P.O. Box E, Sacaton, AZ 85247 (with enclosures)
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SDThomas:cdm

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

JUL 1 2010

William R. Rhodes
Governor



Joseph Manuel
Lieutenant Governor

June 23, 2010

Robert Hollis, Administrator, Arizona Division
U.S. Department of Transportation (FHWA)
4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500

Re: HOP-AZ, NH-202-D(ADY)
Project No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor, Section 106 Consultation, Traditional Cultural Places, Mitigation Measures.

Dear Mr. Hollis:

In reply to your letter dated April 28, 2010 regarding potential effects of the proposed SR 202L (South Mountain Freeway), the Gila River Indian Community Cultural Resource Management Program (GRIC CRMP) has prepared the attached proposal for the *Evaluation of Traditional Cultural Property and Adverse Effects of Transportation Corridor Development* posed by the proposed construction of the current Pecos Alignment of the South Mountain Freeway. This proposal has been reviewed and approved by the GRIC Community Council and the GRIC Transportation Technical Team. A digital (soft copy) was submitted to Matthew Burdick (Arizona Department of Transportation - ADOT) via electronic mail on January 19, 2010.

Please be advised that the current proposal only addresses partial measures for the mitigation of adverse effects posed by the Pecos alignment to Traditional Cultural Property (TCP) including individual sites and the mountain (*Muhadagi Doag* - South Mountain) and may be used in the preparation and finalization of the Environmental Impact Statement (EIS). All other requirements under such federal acts as the National Historic Preservation Act (NHPA) for the protection and preservation of cultural properties including data recovery of archaeological sites within the proposed corridor still pertain to the project and are not addressed by the attached document. The Community is aware that as the project developments, design changes and consideration of alternate corridors may require further adjustment or revision to the plan as presented.

The attached proposal also acknowledges the engineering solutions provided by ADOT in the form of overpasses for the avoidance and protection of sensitive cultural sites as acceptable concepts and that implementation of their design and construction will require further

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Telephone: 520-562-9840 • Fax: 520-562-9849 • Email: executivemail@gric.nsn.us

consultation in the event these go forward. This includes especially the implementation of proposed massive cuts through the western ridges of *Muhadagi Doag* and earthworks required for construction of the Pecos alignment, which will significantly impact the mountain and the surrounding cultural landscape.

Finally this proposal identifies the important and significant overlap of wildlife and culture corridors and the significance of all plants and animals in the traditional culture of the Akimel O'odham and Pee Posh of this Community. In this respect, we value the strong connection between the environment, the land, traditional places, and all living things, not just people. To this end, the attached proposal recognizes the intimate connection of TCPs to the environment in general, which certainly will be affected permanently through the construction of this major transportation facility.

The Gila River Indian Community looks forward to continuing consultation through its newly established Tribal Historic Preservation Officer, Barnaby V. Lewis (THPO), especially on the draft EIS once it is assembled. If you have any questions or comments, please do not hesitate to call Dr. J. Andrew Darling, Coordinator, Cultural Resource Management Program at (520) 562-7151 or Barnaby V. Lewis (THPO) at (520) 562-7152.

Sincerely,

Lt. Governor Joseph Manuel, Chair
Transportation Technical Team

Attachment: South Mountain Freeway Survey Proposal

cc: Governor William R. Rhodes
Chief of Staff Greg Mendoza
Community Managers (5)
Transportation Technical Team
File



U.S. Department
of Transportation
**Federal Highway
Administration**

ARIZONA DIVISION

September 16, 2010

4000 North Central Avenue,
Suite 1500

Phoenix, Arizona 85012-3500

602-379-3646

Fax: 602-382-8998

<http://www.fhwa.dot.gov/azdiv/index.htm>

In Reply Refer To:
202-C- 200
HOP-AZ

202-C- 200

TRACS No. 202L MA 54.0 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Revised Programmatic Agreement

Mr. John Holt, Environmental Manager
Western Area Power Administration
615 South 43rd Avenue
Phoenix, Arizona 85009

Dear Mr. Holt:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

Consulting parties for this project include FHWA, ADOT, Arizona State Historic Preservation Office, Arizona State Land Department, Arizona State Museum, Army Corps of Engineers, Bureau of Land Management, Bureau of Reclamation, Western Area Power Administration (Western), Salt River Project, Maricopa County Department of Transportation, Flood Control District of Maricopa County, Roosevelt Irrigation District, City of Avondale, City of Chandler, City of Glendale, City of Phoenix, City of Tolleson, Ak-Chin Indian Community, Chemehuevi Tribe, Cocopah Tribe, Colorado River Indian Tribe, Fort McDowell Yavapai Nation, Fort Mojave Tribe, Fort Yuma-Quechan Tribe, Gila River Indian Community, Havasupai Tribe, Hopi Tribe, Hualapai Tribe, Kaibab-Paiute Tribe, Navajo Nation, Pascua Yaqui Tribe, Pueblo of Zuni,



2

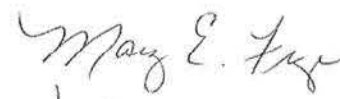
Salt River Pima-Maricopa Indian Community, San Carlos Apache Nation, San Juan Southern Paiute, Tohono O'odham Nation, Tonto Apache Tribe, White Mountain Apache Nation, and the Yavapai-Apache Nation.

In 2007, a Programmatic Agreement (PA) was executed for the project; however, Western had not been included. Western has transmission lines that intersect the proposed freeway alignments and asked FHWA to be included in the PA. Therefore, per Stipulation 14 of the PA, FHWA has revised the PA to include Western as a concurring party. Additionally, FHWA and ADOT are taking this opportunity to invite the Gila River Indian Community to participate as a concurring party at this time.

A copy of the revised PA is enclosed for your review and comment. If Western would like to participate, please sign the enclosed PA and return it to ADOT within 30 days. Upon receipt of Western's signature on the PA and of the Gila River Indian Community's signature, if they choose to participate at this time, FHWA will forward the updated PA through continued Section 106 consultations.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the information provided in this letter. If you have any questions or concerns, please feel free to contact Linda Davis at (602) 712-8636 or by e-mail at LDavis2@azdot.gov.

Sincerely yours,


Robert E. Hollis
Division Administrator

Enclosure



Department of Energy
Western Area Power Administration
Desert Southwest Customer Service Region
P.O. Box 6457
Phoenix, AZ 85005-6457

OCT 28 2010

OCT 25 2010

Robert E. Hollis, District Administrator
Arizona Department of Transportation
4000 North Central Avenue, Suite 1500
Phoenix, Arizona 85012-3500

RE: Programmatic Agreement for the Federal Highway Administration and Arizona Department of Transportation South Mountain Freeway Project, Mohave County.

Dear Mr. Hollis:

The Western Area Power Administration (Western) has received the Programmatic Agreement (PA) regarding the Environmental Impact Statement (EIS) which was developed for the proposed South Mountain Freeway Project. The signed agreement is enclosed with the letter.

Western supports the Federal Highway Administration and the Arizona Department of Transportation in their section 106 responsibilities related to the project. Western's participation in the PA supports our requirements under the National Historic Preservation Act related to the requirement to move our transmission lines to accommodate the construction of this project.

Western looks forward to participating in future meetings and reviewing related documents for the PA. Thank you for inviting us to sign the PA.

If you have any questions or comments, please do not hesitate to contact Mary Barger at (602) 605-2524 or call me at (602) 605-2592.

Sincerely,


John R. Holt
Environmental Manager

Enclosure



U.S. Department
of Transportation
**Federal Highway
Administration**

ARIZONA DIVISION

February 1, 2011

4000 North Central Avenue,
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Phoenix, Arizona 85012-3500
602-379-3646
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In Reply Refer To:
NH-202-D(ADY)
FEB 03 2011 HOP-AZ

ARIZONA STATE PARKS/S.P.R.

NH-202-D(ADY)
TRACS No. 202L MA 54.0 H5764 01L
202L, South Mountain Freeway
DCR and EIS
Continuing Section 106 Consultation
Revised Alignment Near Dobbins Road

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway (SMF), EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review.

This project has been the subject of extensive prior consultation (SHPO-2003-1890). This letter requests concurrence only on the approach of mitigating impacts to historic properties in the area of the proposed SMF's intersection with Dobbins Road (see attached map). Land ownership in this portion of the project area is mostly private. Alternative alignments of the proposed SMF are being considered. The 1985 Phoenix General Plan Map had a proposed transportation corridor near 59th Avenue. ADOT's 1988 SMF Design Concept Report and Environmental Assessment presented a preferred alignment corridor along 61st Avenue. That same year, the Phoenix Planning Commission recommended and City Council approved, an alignment shift in the General Plan to a 61st Avenue alignment. It remained on this alignment until comprehensive cultural resources investigations revealed several properties were eligible for listing on the



2

National Register of Historic Places (NRHP). As a result of these investigations, in 2005 an alternative alignment on 63rd Avenue was developed to avoid these resources. In 2010, the City of Phoenix (COP) provided information to the SMF project team that the 63rd Avenue alignment conflicted with proposed land uses in the area. Three rezoning cases and one special permit were approved by the COP assuming the 61st Avenue alignment. One of these cases, approved in 2009, was for the location of a hospital and healthcare campus. This facility would be directly in the path of the 63rd Avenue alignment. As a result of these conflicts, the COP has asked FHWA to consider a proposed alignment of the SMF on 61st Avenue.

NRHP-eligible properties would be impacted by the alignment of the South Mountain Freeway along 61st Avenue. These include:

1. The Colvin-Tyson Farmstead/Barnes Dairy located at 6159 West Dobbins Road was determined not eligible to the NRHP as a whole because of a lack of integrity and historical significance. However, the dairy "head-to-toe" barn is recommended as eligible to the NRHP under Criterion C because it is one of the few standing family-operated dairy barns in Laveen.
2. The Hudson Farm located at 9300 South 59th Avenue was determined eligible to the NRHP under Criterion A as an exceptional example of a historic farmstead in Laveen, with the surrounding agricultural field an important contributing component that defines and preserves the farmstead's integrity of setting and feeling.
3. The 6100 Block West Dobbins Road Streetscape was determined eligible to the NRHP under Criteria A and D as an example and reflection of the lower Salt River Valley's agricultural past.

Potential impacts to NRHP-eligible properties by the alignment of the SMF along 61st Avenue include:

- The Barnes dairy barn would be destroyed by the proposed project.
- A sixteen-acre strip of the western side of the Hudson Farm would be taken by the proposed SMF. A portion of the agricultural field would be used to construct the proposed freeway.
- The 6100 Block West Dobbins Road Streetscape would be destroyed by the proposed project.

It is important to note that the City of Phoenix has designated this area as the core area of "downtown" Laveen. Landowners in the area have expressed a desire to develop their properties for commercial and/or residential uses. Therefore, it is highly likely that development actions by private land owners would also lead to the destruction of these resources. Although the property owners would have to comply with City of Phoenix historic preservation ordinances, it is still likely that destruction with limited documentation of these properties would occur.

To mitigate the potential impacts from the SMF and to offer a greater level of protection to these resources than would otherwise be provided, ADOT, FHWA, and the COP's Historic Preservation Office are considering the following approach. The final details of mitigation are

still being developed (including the level of documentation of the resources) and may be influenced by comments received from the public. However, the approach includes:

- The Colvin-Tyson Farmstead/Barnes Dairy and the West Dobbins Road Streetscape would be subjected to additional documentation and a possible interpretive exhibit/display.
- The Hudson Farm property:
 1. Documentation on the property and proposal for listing on the NRHP
 2. Protection of the farmstead complex through a conservation easement on the remaining parcel. The language of the conservation easement would be developed in consultation with the COP, ADOT, and the State Historic Preservation Office (SHPO).
 3. Convey the property to private or public ownership for reuse
 4. Conduct a public involvement meeting in the vicinity of these resources to solicit input from the public.

Please review the information provided in this letter. If you agree with the proposed approach to mitigating impacts to these three historic properties, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at (602) 712-8636 or by e-mail at LDavis2@azdot.gov.

Sincerely yours,

Mary E. Fye
Karla S. Petty
Division Administrator

[Signature]
Signature for SHPO concurrence
NH-202-D(ADY)

CC: Linda Davis, ADOT

Enclosure

4 FEB 11
Date



ARIZONA DIVISION

February 7, 2011

4000 North Central Avenue,
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602-379-3646
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<http://www.fhwa.dot.gov/azdiv/index.htm>

In Reply Refer To:
202-C-200
HOP-AZ

202-C-200
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. William Rhodes, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Rhodes:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

Consulting parties for this project include FHWA, ADOT, Arizona State Historic Preservation Office (SHPO), Arizona State Land Department, Arizona State Museum, U.S. Army Corps of Engineers, Bureau of Land Management, Bureau of Reclamation, Western Area Power Administration, Salt River Project, Maricopa County Department of Transportation, Flood Control District of Maricopa County, Roosevelt Irrigation District, City of Avondale, City of Chandler, City of Glendale, City of Phoenix, City of Tolleson, Ak-Chin Indian Community, Chemehuevi Tribe, Cocopah Tribe, Colorado River Indian Tribe, Fort McDowell Yavapai Nation, Fort Mojave Tribe, Fort Yuma-Quechan Tribe, Gila River Indian Community (GRIC), Havasupai Tribe, Hopi Tribe, Hualapai Tribe, Kaibab-Paiute Tribe, Navajo Nation, Pascua Yaqui Tribe, Pueblo of Zuni, Salt River Pima-Maricopa Indian Community, San Carlos Apache Nation, San Juan Southern Paiute, Tohono O'odham Nation, Tonto Apache Tribe, White Mountain Apache Nation, and the Yavapai-Apache Nation.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to make a reasonable and good faith effort to identify historic properties that could be affected by a project, FHWA and ADOT prepared a traditional cultural property assessment titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2006), which was sent to your office for review June 2006



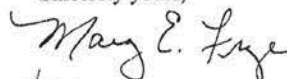
2

(Hollis [FHWA] to Rhodes [GRIC] June 28, 2006). GRIC responded in September 2006 notifying FHWA that their Cultural Resource Management Program (CRMP) was reviewing the traditional cultural properties (TCP) evaluation report and that a formal response would be forthcoming (Rhodes [GRIC] to Hollis [FHWA] September 25, 2006). In December 2006, GRIC provided their formal response which included National Register of Historic Places (NRHP) eligibility concurrences and comments on the proposed boundary for the South Mountain TCP (Rhodes [GRIC] to Hollis [FHWA] December 19, 2006). While the GRIC generally concurred with the NRHP eligibility recommendations provided in the TCP report, there were three points where they did not concur: (1) the designation of a O'odham core homeland, (2) the proposed boundary for the South Mountains TCP, and (3) the NRHP eligibility recommendation for Villa Buena site (AZ T:12:9 [ASM]).

Since then, FHWA and ADOT have continued an open dialog with GRIC's cultural resources staff regarding the identification and evaluation of traditional cultural properties as they pertain to the South Mountain freeway project. During this time, the TCP report has been revised per GRIC comments: (1) the report no longer uses the concept of a core O'odham homeland; (2) FHWA, ADOT, and GRIC have agreed to defer delineation of TCP boundary for the South Mountains until a more detailed and comprehensive study of its traditional uses and cultural significance can be conducted, therefore the boundary proposed in the earlier version of the report has been removed; and, (3) the NRHP eligibility recommendation for the Villa Buena site has been changed to be inclusive of the entire site. With regards to the later, the Villa Buena site (AZ T:12:9 [ASM]) is now recommended eligible for the NRHP under Criteria A and D. The site is recommended eligible under Criterion A as a traditional cultural property for its associations with traditional cultural practices of the GRIC. The site is also recommended eligible under Criterion D for its information potential as an archaeological site. The portions of the site off the reservation in agricultural fields, including the portions within the proposed action alternative alignments, do not retain qualities that contribute to its eligibility as a traditional cultural property. A copy of the revised report is enclosed for your review and comment.

Please review the information provided in this letter and the revised TCP report. If you find the revised TCP report adequate and agree with FHWA's eligibility recommendations, please indicate your concurrence by signing below. As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. If you have any questions or concerns, please feel free to contact Linda Davis at (602) 712-8636 or by e-mail at LDavis2@azdot.gov.

Sincerely yours,



Karla S. Petty
Division Administrator

Signature for GRIC Concurrence
202-C-200
Enclosures

Date

cc:

J. Andrew Darling, Coordinator, Cultural Resource Management Program, GRIC, P.O. Box 2140, Sacaton, AZ 85247 (with enclosures)
Barnaby V. Lewis, Tribal Historic Preservation Officer, GRIC, P.O. Box 2140, Sacaton, AZ 85247 (with enclosures)



ARIZONA DIVISION

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<http://www.fhwa.dot.gov/azdiv/index.htm>

August 8, 2011

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
South Mountain Freeway UPRR OP - TROE
Continuing Section 106 Consultation
Geotechnical Investigations

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning geotechnical borings at the W59 Alternative crossing of the Union Pacific Railroad (UPRR) for the proposed South Mountain Freeway in west Phoenix, Maricopa County. As this project is qualified for federal funding, it is considered an undertaking subject to Section 106 review. This geotech work occurs on private land. Consulting parties for this undertaking include FHWA, ADOT, the State Historic Preservation Office (SHPO) and UPRR. Due to the limited scope and nature of work, tribal consultation is not warranted.

The scope of this project would involve excavating ten 8-inch diameter borings approximately 100 feet deep near the intersection of 59th Avenue and the UPRR tracks, which run east-west about halfway between Van Buren Street and Buckeye Road. Access to the boring locations would be from 59th Avenue along the UPRR access roads and adjacent parking lots. No new right of way (ROW) or temporary construction easements are anticipated for this project. The area of potential effects (APE) is defined as 50 feet around the borings and access routes. A copy of the geotechnical boring plan is enclosed to assist you in your review.

The UPRR right-of-way portion of the APE has been previously surveyed by SWCA, Environmental Consultants, Inc. (SWCA) in conjunction with a separate undertaking. The results are reported in "Archaeological Survey for a Proposed Fiber Optic Cable Line from Yuma to Phoenix" (Doak 1999). The historic Wellton-Phoenix-Eloy Main Line of the South Pacific Railroad (AZ T:10:84 [ASM]) was identified in the project area. The railroad's eligibility for listing in the National Register of Historic Places (NRHP) was evaluated as part of the South Mountain Freeway project by HDR Engineering, Inc (HDR). The results are reported in "An

Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona” (Brodbeck and Pratt 2005). FHWA recommended that the railroad was eligible for NRHP listing under Criterion A. SHPO previously concurred with the adequacy of the report and eligibility determination (Jacobs [SHPO] to Greenspan [ADOT] SHPO concurrence October 3, 2005).

The remainder of the APE has recently been surveyed by HDR. The survey results are reported in “*A Class III Cultural Resources Survey for Geotechnical Investigations for the South Mountain Freeway W59 Alternative UPRR OP, City of Phoenix, Maricopa County, Arizona*” (Brodbeck 2011), and are enclosed here for your review and comment. No new sites were identified in the project area.

AZ T:10:84 (ASM), the historic Wellton-Phoenix-Eloy Main Line, is located within the APE but will not be affected by the project. Therefore, FHWA has determined that a finding of “no adverse effect” is appropriate for this undertaking.

Please review the enclosed report, geotechnical plans, and the information provided in this letter. If you find the report adequate and agree with FHWA’s determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or email LDavis2@azdot.gov.

Sincerely yours,


Karla S. Petty
Division Administrator

Signature for SHPO Concurrence
NH-202-D(ADY)

Date

Enclosures



ARIZONA DIVISION

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August 8, 2011

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
South Mountain Freeway UPRR OP - TROE
Continuing Section 106 Consultation
Geotechnical Investigations

Mr. Dino Orbiso
Manager Environmental Field Operations
Union Pacific Railroad
2401 East Sepulveda Boulevard
Long Beach, California 90810

Dear Mr. Orbiso:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning geotechnical borings at the W59 Alternative crossing of the Union Pacific Railroad (UPRR) for the proposed South Mountain Freeway in west Phoenix, Maricopa County. As this project is qualified for federal funding, it is considered an undertaking subject to Section 106 review. This geotech work occurs on private land. Consulting parties for this undertaking include FHWA, ADOT, the State Historic Preservation Office (SHPO) and UPRR. Due to the limited scope and nature of work, tribal consultation is not warranted.

The scope of this project would involve excavating ten 8-inch diameter borings approximately 100 feet deep near the intersection of 59th Avenue and the UPRR tracks, which run east-west about halfway between Van Buren Street and Buckeye Road. Access to the boring locations would be from 59th Avenue along the UPRR access roads and adjacent parking lots. No new right of way (ROW) or temporary construction easements are anticipated for this project. The area of potential effects (APE) is defined as 50 feet around the borings and access routes. A copy of the geotechnical boring plan is enclosed to assist you in your review.

The UPRR right-of-way portion of the APE has been previously surveyed by SWCA, Environmental Consultants, Inc. (SWCA) in conjunction with a separate undertaking. The results are reported in “*Archaeological Survey for a Proposed Fiber Optic Cable Line from Yuma to Phoenix*” (Doak 1999). The historic Wellton-Phoenix-Eloy Main Line of the South Pacific Railroad (AZ T:10:84 [ASM]) was identified in the project area. The railroad’s eligibility for listing in the National Register of Historic Places (NRHP) was evaluated as part of the South Mountain Freeway project by HDR Engineering, Inc (HDR). The results are reported in “*An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR*

Project, Maricopa County, Arizona” (Brodbeck and Pratt 2005). FHWA recommended that the railroad was eligible for NRIIP listing under Criterion A. SHPO previously concurred with the adequacy of the report and eligibility determination (Jacobs [SHPO] to Greenspan [ADOT] SHPO concurrence October 3, 2005).

The remainder of the APE has recently been surveyed by HDR. The survey results are reported in “*A Class III Cultural Resources Survey for Geotechnical Investigations for the South Mountain Freeway W59 Alternative UPRR OP, City of Phoenix, Maricopa County, Arizona*” (Brodbeck 2011), and are enclosed here for your review and comment. No new sites were identified in the project area.

AZ T:10:84 (ASM), the historic Wellton-Phoenix-Eloy Main Line, is located within the APE but will not be affected by the project. Therefore, FHWA has determined that a finding of “no adverse effect” is appropriate for this undertaking.

Please review the enclosed report, geotechnical plans, and the information provided in this letter. If you find the report adequate and agree with FHWA’s determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or email LDavis2@azdot.gov.

Sincerely yours,

Meera J. et al

Karla S. Petty
Karla S. Petty
Division Administrator

Signature for UPRR Concurrence
NH-202-D(ADY)

Date

Enclosures



U.S. Department
of Transportation
Federal Highway
Administration

SHPO-2003-1490(93752)

ARIZONA DIVISION

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August 8, 2011

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
South Mountain Freeway UPRR OP - TROE
Continuing Section 106 Consultation
Geotechnical Investigations

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

RECEIVED

AUG 09 2011

ARIZONA STATE PARKS/S.H.P.O.

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning geotechnical borings at the W59 Alternative crossing of the Union Pacific Railroad (UPRR) for the proposed South Mountain Freeway in west Phoenix, Maricopa County. As this project is qualified for federal funding, it is considered an undertaking subject to Section 106 review. This geotech work occurs on private land. Consulting parties for this undertaking include FHWA, ADOT, the State Historic Preservation Office (SHPO) and UPRR. Due to the limited scope and nature of work, tribal consultation is not warranted.

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Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona” (Brodbeck and Pratt 2005). FHWA recommended that the railroad was eligible for NRHP listing under Criterion A. SHPO previously concurred with the adequacy of the report and eligibility determination (Jacobs [SHPO] to Greenspan [ADOT] SHPO concurrence October 3, 2005).

The remainder of the APE has recently been surveyed by HDR. The survey results are reported in “A Class III Cultural Resources Survey for Geotechnical Investigations for the South Mountain Freeway W59 Alternative UPRR OP, City of Phoenix, Maricopa County, Arizona” (Brodbeck 2011), and are enclosed here for your review and comment. No new sites were identified in the project area.


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Please review the enclosed report, geotechnical plans, and the information provided in this letter. If you find the report adequate and agree with FHWA’s determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or email LDavis2@azdot.gov.

Sincerely yours,


Karla S. Petty
Division Administrator

AUG 12 2011


Signature for SHPO Concurrence
NH-202-D(ADY)


Date 8/16/11

Enclosures

CC: Linda Davis, ADOT



GILA RIVER INDIAN COMMUNITY

POST OFFICE BOX 2140, SACATON, AZ 85147

TRIBAL HISTORIC PRESERVATION OFFICE

(520) 562-7162
Fax: (520) 562-5083

August 17, 2011

Karla S. Petty, Division Administrator
U. S. Department of Transportation
Federal Highway Administration, Arizona Division
4000 North Central Avenue, Suite 1500
Phoenix, Arizona 85012-3500

RE: South Mountain Transportation Corridor, Section 106 Consultation, Traditional Cultural Places; 202-C-200 HOP-AZ TRACS No. 202L MA 054 H5764 01C

Dear Ms. Petty,

The Gila River Indian Community Tribal Historic Preservation Office (GRIC-THPO) has received HDR Engineering, Inc. Cultural Resource Report 06-01, Submittal Number 5, titled “An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona” (Brodbeck 2011). The report *reevaluates* the National Register eligibility status of Traditional Cultural Properties that have been recorded and identified within the proposed 202L corridor. Comments by Gila River Indian Community (GRIC) Governor Rhodes have been incorporated into the reevaluation. Governor Rhodes submitted his review to the Arizona Department of Transportation (ADOT) on December 19, 2009.

The GRIC maintains and reinforces the cultural significance of South Mountain to the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; Ak-Chin Indian Community and the Tohono O’Odham Nation) together with the Pee Posh (Maricopa). O’Odham oral history and religion defines our life and relationship to the natural world and the cultural landscape. Akimel O’Odham and Pee Posh oral histories, religion, creation stories, ceremonial activities and practices, and the concepts of power and sacred places are inseparably tied to every part of the natural environment. Sacred places and Traditional Cultural Places (TCPs) must be treated with reverence and respect. South Mountain is an O’Odham TCP. The National Historic Preservation Act of 1966 as amended provides the guidelines to nominate and place TCPs on the National Register of Historic Places. Impacts to Register eligible properties must be considered for all federal undertakings. Application of criteria of significance has often been applied in an inconsistent, incorrect manner. Archaeologists tend to apply the criteria without supporting oral history data (neglect of gathering oral histories) and without understanding of the people, their religion, and their culture.

Review and Comments

Page 5, second paragraph, Brodbeck makes reference to "contemporary local *lore*." The use of term *lore* is objectionable. O'Odham oral history is not *lore*, it is a history as valid and precise as mainstream history which is taught in elementary, high school, and college classes. References to O'Odham history as *lore* should be removed from the text.

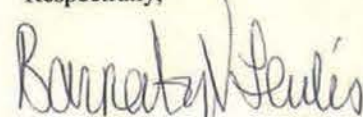
Page 38 and 77, third paragraph, Brodbeck states that because the platform mound has been obliterated at Pueblo del Alamo, "*the direct link with the ancestral past has been lost*." This is an untrue statement. The direct link with the ancestral past, the link between Pueblo del Alamo and the O'Odham people is still intact through oral histories. The link has not been lost because a platform mound on the site has been obliterated by non-O'Odham farmers. The direct link to the O'Odham ancestral past remains and it should be stated as such. The GRIC-THPO concurs with the evaluation with that Pueblo del Alamo is a Register eligible property. The GRIC-THPO disagrees with ADOT and Brodbeck who believe that Pueblo del Alamo is not a Register eligible TCP based upon a perceived loss of an ancestral link to the site. The GRIC-THPO maintains that "the ancestral link" to the site still exists and that Pueblo del Alamo is a Register eligible TCP.

Pages 44-45 and page 77, the GRIC-THPO concurs with the re-evaluation of Villa Buena as being a Register eligible property as a site and as a TCP. However on page 45 Brodbeck still considers portions of Villa Buena, located off GRIC lands, as not contributing to the Register eligibility status of the site and TCP. Again the GRIC-THPO would like to indicate that all portions of a site contribute to Register eligibility. If a cultural property is considered a Register eligible property as an archaeological site or as a TCP, then the entire cultural resource is a Register eligible property. ADOT acknowledges correcting this issue but Brodbeck still continues to evaluate Villa Buena in bits and pieces and not as a whole.

Page 75, fifth paragraph, Brodbeck states "that South Mountain is an important element in a far-reaching spiritual landscape of the Akimel O'Odham and Pee Posh." We would like to point out that it is our cultural landscape as well and the statement should be modified to state "cultural and spiritual" in the sentence.

The GRIC-THPO looks forward to continuing consultation regarding the proposed 202 Loop. If you have any questions please do not hesitate to contact me or Archaeological Compliance Specialist Larry Benallie, Jr. at 520-562-7162.

Respectfully,



Barnaby V. Lewis
Tribal Historic Preservation Officer
Gila River Indian Community



ARIZONA DIVISION

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October 31, 2011

In Reply Refer To:
202-C- 200
HOP-AZ

202-C- 200
TRACS No. 202L MA 54.0 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Revised Programmatic Agreement

Mr. Brian Bowker, Director
Bureau of Indian Affairs
Western Regional Office
2600 North Central Avenue, 4th Floor Mailroom
Phoenix, Arizona 85004-3050

Dear Mr. Bowker:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.


Consulting parties for this project include FHWA, ADOT, Arizona State Historic Preservation Office, Arizona State Land Department, Arizona State Museum, Army Corps of Engineers, Bureau of Indian Affairs (BIA), Bureau of Land Management, Bureau of Reclamation, Western Area Power Administration, Salt River Project, Maricopa County Department of Transportation, Flood Control District of Maricopa County, Roosevelt Irrigation District, City of Avondale, City of Chandler, City of Glendale, City of Phoenix, City of Tolleson, Ak-Chin Indian Community, Chemehuevi Tribe, Cocopah Tribe, Colorado River Indian Tribe, Fort McDowell Yavapai Nation, Fort Mojave Tribe, Fort Yuma-Quechan Tribe, Gila River Indian Community, Havasupai Tribe, Hopi Tribe, Hualapai Tribe, Kaibab-Paiute Tribe, Navajo Nation, Pascua Yaqui Tribe, Pueblo of Zuni, Salt River Pima-Maricopa Indian Community, San Carlos Apache Nation, San Juan Southern Paiute, Tohono O'odham Nation, Tonto Apache Tribe, White Mountain Apache Nation, and the Yavapai-Apache Nation.

In 2005, FHWA circulated a revised draft Programmatic Agreement (PA) to agencies and tribes for review (Hollis [FHWA] to Cantley [BIA] July 1, 2005). At that time, the BIA declined participation in the PA (Cantley [BIA] to Laine [ADOT] personal communication via phone call August 3, 2005). Since then, the BIA has asked FHWA to be included in the PA. Therefore, per Stipulation 14 of the PA, FHWA has revised the PA to include BIA as a concurring party.

A revised PA is enclosed for your review and comment. If the BIA would like to participate, please sign the enclosed PA and return it to ADOT within 30 days. Upon receipt of BIA's signature on the PA FHWA will forward the updated PA through continued Section 106 consultations.

Furthermore, as more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the information provided in this letter. If you have any questions or concerns, please feel free to contact Linda Davis at (602) 712-8636 or by e-mail at L.Davis2@azdot.gov

Sincerely yours,


for
Karla S. Petty
Division Administrator

Enclosure



ARIZONA DIVISION

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January 23, 2012

In Reply Refer To:
202-C- 200
HOP-AZ

202-C- 200
TRACS No. 202L MA 54.0 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Revised Programmatic Agreement

Mr. Brian Bowker, Director
Bureau of Indian Affairs
Western Regional Office
2600 North Central Avenue, 4th Floor Mailroom
Phoenix, Arizona 85004-3050

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Consulting parties for this project include FHWA, ADOT, Arizona State Historic Preservation Office, Arizona State Land Department, Arizona State Museum, Army Corps of Engineers, Bureau of Indian Affairs (BIA), Bureau of Land Management, Bureau of Reclamation, Western Area Power Administration, Salt River Project, Maricopa County Department of Transportation, Flood Control District of Maricopa County, Roosevelt Irrigation District, City of Avondale, City of Chandler, City of Glendale, City of Phoenix, City of Tolleson, Ak-Chin Indian Community, Chemehuevi Tribe, Cocopah Tribe, Colorado River Indian Tribe, Fort McDowell Yavapai Nation, Fort Mojave Tribe, Fort Yuma-Quechan Tribe, Gila River Indian Community, Havasupai Tribe, Hopi Tribe, Hualapai Tribe, Kaibab-Paiute Tribe, Navajo Nation, Pascua Yaqui Tribe, Pueblo of Zuni, Salt River Pima-Maricopa Indian Community, San Carlos Apache Nation, San Juan Southern Paiute, Tohono O'odham Nation, Tonto Apache Tribe, White Mountain Apache Nation, and the Yavapai-Apache Nation.

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A revised PA is enclosed for your review and comment. If the BIA would like to participate, please sign the enclosed PA and return it to ADOT within 30 days. Upon receipt of BIA's signature on the PA FHWA will forward the updated PA through continued Section 106 consultations.

Furthermore, as more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the information provided in this letter. If you have any questions or concerns, please feel free to contact Linda Davis at (602) 712-8636 or by e-mail at L.Davis2@azdot.gov

Sincerely yours,



Karla S. Petty
Division Administrator

Enclosure

cc:

Garry Cantley, Archaeologist, Bureau of Indian Affairs-Western Region Office, 2600 N. Central Avenue, 4th Floor Mailroom, Phoenix, Arizona 85004-3050



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April 24, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties
Section 4(f) Determination

Mr. Gregory Mendoza, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Mendoza:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department, the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the

Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been carrying out cultural resource studies and engaging in an ongoing open dialog with GRIC's Tribal Historic Preservation Office (THPO) and Cultural Resource Management Program (CRMP) regarding the identification and evaluation of places of religious and cultural significance to the tribe, often referred to as traditional cultural properties (TCPs) as they may be affected by the South Mountain Freeway project. As a result of these discussions, the GRIC has identified five TCPs that are eligible for the National Register of Historic Places (NRHP), and could be affected by the construction of the South Mountain Freeway. These include the South Mountains (*Muhadagi Doag*), the prehistoric Hohokam villages of Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM]), a shrine site (AZ T:12:112 [ASM]), and a petroglyph site (AZ T:12:198 [ASM]) that is also a contributing resource to the South Mountains TCP. In addition, GRIC has identified five other archaeological sites that contribute to the South Mountains TCP (AZ T:12:197 [ASM], AZ T:12:201 [ASM], AZ T:12:207 [ASM], AZ T:12:208 [ASM], and AZ T:12:211 [ASM]).

SHPO previously concurred with FHWA's determination that Villa Buena, Pueblo del Alamo, AZ T:12:197, AZ T:12:198, AZ T:12:201, AZ T:12:207, AZ T:12:208, and AZ T:12:211 are eligible for listing in the NRHP under Criterion D as archaeological sites (Jacobs [SHPO] to Greenspan [ADOT], January 23, 2006). This letter summarizes consultation between FHWA, ADOT, and GRIC relating to the eligibility of Villa Buena and Pueblo del Alamo, as well as proposed mitigation to address any potential adverse effects to all TCPs identified within the project area.

Through on-going Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC have been developing options for mitigating adverse effects to the TCPs. As a result of these discussions, avoidance alternatives have been developed for two of the TCPs, the petroglyph site and shrine site. They will now be avoided by project alternatives; therefore, there will be no direct impacts to these sites. The South Mountains, Villa Buena, and Pueblo del Alamo TCPs cannot be avoided by project alternatives; therefore mitigation plans have been developed. The mitigation strategies are presented in Treatment Plans titled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development Summary Scope of Work (Draft)* (Darling 2008), which the GRIC THPO previously approved (Manuel [GRIC] to Hollis [FHWA], June 23, 2010) and *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Traditional Cultural Properties and Mitigation of Transportation Corridor Development Adverse Effects, Addendum Planning for TCP Mitigation Villa Buena (AZ T:12:9 [ASM] and Pueblo del Alamo (AZ T:12:52 [ASM]) (Draft)* (Darling 2012), which is enclosed for your review. In addition, we are enclosing the revised *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS and L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012) for your review.

The South Mountains

The South Mountain range as a whole is considered a TCP. The range is an important element in the spiritual landscape of the Akimel O'odham and Pee Posh, as well as for some of the Colorado River Tribes. For the Akimel O'odham, South Mountains was one of the homes of the deity and creator, Elder Brother (Se'ehc) and several shrines in the range associated with his presence continue to be recognized and honored by the GRIC. Further, South Mountain served as a resource procurement area for upland plants and animals and was a focal point of prehistoric and historic rock art production.

FHWA has recommended that the South Mountains is eligible for inclusion in the NRHP under Criteria A and B as a TCP for its significant associations with the broad patterns of traditional cultural practices and beliefs of the Akimel O'odham, Pee Posh, and other tribes, and for the close association the mountain range has with the O'odham creator deity. The GRIC previously concurred with FHWA's eligibility recommendation (Rhodes [GRIC] to Hollis [FHWA], December 19, 2006). Furthermore, FHWA has determined that archaeological sites AZ T:12:197 (ASM), AZ T:12:198 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) are contributors to the South Mountains TCP under Criterion A. At the request of FHWA and ADOT, GRIC CRMP prepared a draft Treatment Plan that presents measures to mitigate potential adverse affects of the South Mountain Freeway project on the South Mountains TCP, which GRIC THPO previously approved (Manuel [GRIC] to Hollis [FHWA], June 23, 2010).

Villa Buena and Pueblo del Alamo

Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM]) are prehistoric villages for which Tribal consciousness and veneration exist to the present day in the form of active association and identification of these places with religious, historical, and ideological perpetuation of GRIC's community culture. As TCPs, therefore, it is the position of GRIC that in regard to eligibility, these sites cannot be subdivided or otherwise segregated into areas considered contributing or non-contributing to the overall significance of the historic property under NRHP criteria. Instead, these are historic properties in their entirety that are considered sacred.

Villa Buena and Pueblo del Alamo are specifically referred to in the Akimel O'odham creation story, which plays an important role in the on-going cultural traditions of the members of the GRIC. While many aspects of the creation story detail elements of traditional history, such histories also identify places and physical associations in the landscape of the GRIC and its sister tribes (the Four Southern Tribes), as well as other Native communities in southern Arizona, Mexico, and California. By virtue of their associations with regular cycles of universal renewal, places such as Villa Buena and Pueblo del Alamo are critical to O'odham and Pee Posh beliefs about cultural perpetuation and GRIC survival.

In consultation with the GRIC THPO, FHWA has determined that Villa Buena and Pueblo del Alamo are eligible for inclusion in the NRHP under Criterion A as TCPs for their significant associations with the preservation and perpetuation of broad patterns of Akimel O'odham and Pee Posh history and culture. FHWA has also determined, through consultation with the GRIC

THPO, SHPO, and other consulting parties, that Villa Buena and Pueblo del Alamo are eligible for inclusion in the NRHP under Criterion D as archaeological sites.

Both Pueblo del Alamo and Villa Buena have been subjected to considerable disturbance from agricultural activities, road construction, and modern construction, as well as bioturbation and erosion. In discussions with ADOT and FHWA, GRIC has expressed the belief that regardless of the current condition of the sites, and regardless of whether the portion of the site within the project area of potential effects (APE) retains physical integrity, these places are known to be sacred and still convey their significance under Criterion A through the perpetuation of the traditional O’odham song culture and traditional religious beliefs and practices. Accordingly, the integrity of those elements that contribute to the significance of these sites under Criterion A would remain, despite any potential impacts from project-related construction, and would not be adversely affected by the proposed undertaking.

At the request of FHWA and ADOT, GRIC CRMP has prepared a draft Treatment Plan that presents measures to mitigate potential adverse affects to the Villa Buena and Pueblo del Alamo TCPs, which is enclosed for your review.

AZ T:12:112 (ASM)

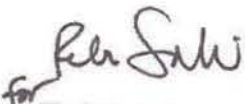
AZ T:12:112 (ASM) includes an active O’odham *jiawul himdag* shrine that is part of an archaeological site with prehistoric and historic features. The site is a traditional O’odham shrine with historic precedence used by contemporary Community members actively exercising their traditional religious and ceremonial practices and beliefs. The site and its use are part of a broad pattern of traditional religious and ceremonial practices and beliefs that define the cultural identity, continuity, and tradition of the Akimel O’odham. The site’s placement on the landscape also has the potential to provide information on prehistoric networks and regional connectivity. FHWA has determined AZ T:12:112 (ASM) is eligible for inclusion on the NRHP under Criterion A as a TCP and under Criterion D as an archaeological site. In consultation with the GRIC THPO and CRMP, ADOT and FHWA have developed proposed freeway alternatives that would avoid the site; therefore, it would not be directly impacted by the project. Mitigation measures for any potential indirect impacts would be developed through continuing consultations with GRIC.

AZ T:12:198 (ASM)

AZ T:12:198 (ASM) is a petroglyph site that, in addition to being a contributor to the South Mountain TCP, is individually eligible as a TCP. The site includes seven panels of prehistoric and historic rock art. Rock art sites such as this continue to function for the GRIC as shrines or spiritual places and they are important in the perpetuation of GRIC’s identity and culture. In consultation with the GRIC THPO, FHWA has determined AZ T:12:198 (ASM) is eligible for inclusion in the NRHP under Criterion A as a TCP and under Criterion D as an archaeological site. In consultation with the GRIC THPO and CRMP, ADOT and FHWA have developed proposed freeway alternatives that would avoid the site; therefore, it will not be directly impacted by the project. Mitigation measures for any potential indirect impacts would be developed through continuing consultations with GRIC.

Please review the information provided in this letter and enclosed materials. If you agree with FHWA’s determination of NRHP eligibility for the TCPs, and the adequacy of the draft mitigation Treatment Plan, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,


Karla S. Petty
Division Administrator

Signature for THPO Concurrence
NH-202-D(ADY)

Date

Enclosures

The previous letter was also sent to”
Dr. David Jacobs, Compliance Officer, State Historic Preservation Office



ARIZONA DIVISION

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SHPO-2003-1890(100976)
(101343)
In Reply Refer To:
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RECEIVED
APR 25 2012
DJ
ARIZONA STATE PARKS/S.H.P.
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TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties
Section 4(f) Determination

April 24, 2012

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

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In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been carrying out cultural resource studies and engaging in an ongoing open dialog with GRIC’s Tribal Historic Preservation Office (THPO) and Cultural Resource Management Program (CRMP) regarding the identification and evaluation of places of religious and cultural significance to the tribe, often referred to as traditional cultural properties (TCPs) as they may be affected by the South Mountain Freeway project. As a result of these discussions, the GRIC has identified five TCPs that are eligible for the National Register of Historic Places (NRHP), and could be affected by the construction of the South Mountain Freeway. These include the South Mountains (*Muhadagi Doag*), the prehistoric Hohokam villages of Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM]), a shrine site (AZ T:12:112 [ASM], and a petroglyph site (AZ T:12:198 [ASM]) that is also a contributing resource to the South Mountains TCP. In addition, GRIC has identified five other archaeological sites that contribute to the South Mountains TCP (AZ T:12:197 [ASM], AZ T:12:201 [ASM], AZ T:12:207 [ASM], AZ T:12:208 [ASM], and AZ T:12:211 [ASM]).

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Through on-going Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC have been developing options for mitigating adverse effects to the TCPs. As a result of these discussions, avoidance alternatives have been developed for two of the TCPs, the petroglyph site and shrine site. They will now be avoided by project alternatives; therefore, there will be no direct impacts to these sites. The South Mountains, Villa Buena, and Pueblo del Alamo TCPs cannot be avoided by project alternatives; therefore mitigation plans have been developed. The mitigation strategies are presented in Treatment Plans titled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development Summary Scope of Work (Draft)* (Darling 2008), and *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Traditional Cultural Properties and Mitigation of Transportation Corridor Development Adverse Effects, Addendum Planning for TCP Mitigation Villa Buena (AZ T:12:9 [ASM] and Pueblo del Alamo (AZ T:12:52 [ASM]) (Draft)* (Darling 2012), which are enclosed for your review. In addition, we are enclosing the revised *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS and L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012) for your review.

why is this present?
see your statement on page 4?

The South Mountains

The South Mountain range as a whole is considered a TCP. The range is an important element in the spiritual landscape of the Akimel O’odham and Pee Posh, as well as for some of the Colorado River Tribes. For the Akimel O’odham, South Mountains was one of the homes of the deity and creator, Elder Brother (Se’ehe) and several shrines in the range associated with his presence continue to be recognized and honored by the GRIC. Further, South Mountain served as a resource procurement area for upland plants and animals and was a focal point of prehistoric and historic rock art production.

FHWA has determined that the South Mountains is eligible for inclusion in the NRHP under Criteria A and B as a TCP for its significant associations with the broad patterns of traditional cultural practices and beliefs of the Akimel O’odham, Pee Posh, and other tribes, and for the close association the mountain range has with the O’odham creator deity. The GRIC previously concurred with FHWA’s eligibility determination (Rhodes [GRIC] to Hollis [FHWA], December 19, 2006). Furthermore, FHWA has determined that archaeological sites AZ T:12:197 (ASM), AZ T:12:198 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) are contributors to the South Mountains TCP under Criterion A. At the request of FHWA and ADOT, GRIC CRMP has prepared a draft Treatment Plan that presents measures to mitigate potential adverse affects of the South Mountain Freeway project on the South Mountains TCP, which is enclosed for your review.

Villa Buena and Pueblo del Alamo

Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM]) are prehistoric villages for which Tribal consciousness and veneration exist to the present day in the form of active association and identification of these places with religious, historical, and ideological perpetuation of GRIC’s community culture. As TCPs, therefore, it is the position of GRIC that in regard to eligibility, these sites cannot be subdivided or otherwise segregated into areas considered contributing or non-contributing to the overall significance of the historic property under NRHP criteria. Instead, these are historic properties in their entirety that are considered sacred.

Villa Buena and Pueblo del Alamo are specifically referred to in the Akimel O’odham creation story, which plays an important role in the on-going cultural traditions of the members of the GRIC. While many aspects of the creation story detail elements of traditional history, such histories also identify places and physical associations in the landscape of the GRIC and its sister tribes (the Four Southern Tribes), as well as other Native communities in southern Arizona, Mexico, and California. By virtue of their associations with regular cycles of universal renewal, places such as Villa Buena and Pueblo del Alamo are critical to O’odham and Pee Posh beliefs about cultural perpetuation and GRIC survival.

In consultation with the GRIC THPO, FHWA has determined that Villa Buena and Pueblo del Alamo are eligible for inclusion in the NRHP under Criterion A as TCPs for their significant associations with the preservation and perpetuation of broad patterns of Akimel O’odham and Pee Posh history and culture. FHWA has also determined, through consultation with the GRIC

THPO, SHPO, and other consulting parties, that Villa Buena and Pueblo del Alamo are eligible for inclusion in the NRHP under Criterion D as archaeological sites.

Both Pueblo del Alamo and Villa Buena have been subjected to considerable disturbance from agricultural activities, road construction, and modern construction, as well as bioturbation and erosion. In discussions with ADOT and FHWA, GRIC has expressed the belief that regardless of the current condition of the sites, and regardless of whether the portion of the site within the project area of potential effects (APE) retains physical integrity, these places are known to be sacred and still convey their significance under Criterion A through the perpetuation of the traditional O’odham song culture and traditional religious beliefs and practices. Accordingly, the integrity of those elements that contribute to the significance of these sites under Criterion A would remain, despite any potential impacts from project-related construction, and would not be adversely affected by the proposed undertaking.

At the request of FHWA and ADOT, GRIC CRMP has prepared a draft Treatment Plan that presents measures to mitigate potential adverse affects to the Villa Buena and Pueblo del Alamo TCPs, which is enclosed for your review.

The TCPs that are the topic of this letter are also subject to regulations set forth in Section 4(f) of the Department of Transportation (DOT) Act of 1966, 49 U.S.C. 303, as amended. Section 4(f) stipulates that FHWA and other DOT agencies cannot approve more than a *de minimis* use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historic sites unless there is no feasible and prudent alternative to the use of that land, and that the proposed action includes all possible planning to minimize harm to the property resulting from such use.

Section 4(f) generally applies to the use of TCPs that are determined to be eligible for listing in the NRHP, with some exceptions. FHWA has determined that Section 4(f) applies to the proposed use of a portion of the South Mountain TCP and will address the requirements of Section 4(f) for the South Mountain TCP in a separate Section 4(f) evaluation to be published as part of the Draft Environmental Impact Statement under preparation for this project. The shrine site (AZ T:12:112) and the petroglyph site (AZ T:12:198) TCPs will not be addressed in the Section 4(f) evaluation because these sites would not be used by any project alternative under consideration.

FHWA believes that Section 4(f) does not apply to the proposed use of portions of the Villa Buena and Pueblo del Alamo TCPs for the South Mountain Freeway project alternatives because the impacted area is primarily archeological in nature and preservation in place is not warranted. The exception is detailed in 23 CFR 774.13 as follows: “The Administration has identified various exceptions to the requirement for Section 4(f) approval. These exceptions include, but are not limited to: (b) Archeological sites that are on or eligible for the National Register when: (1) The Administration concludes that the archeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken and where the Administration decides, with agreement of the official(s) with jurisdiction, not to recover the resource; and (2) The official(s) with jurisdiction over the Section 4(f) resource have been

consulted and have not objected to the Administration finding in paragraph (b)(1) of this section.”

A number of meetings have taken place between FHWA, ADOT, GRIC CRMP, and GRIC THPO in which the nature of and the impacts to the Villa Buena and Pueblo del Alamo TCPs was discussed. Through these discussions the parties have come to the conclusion that modern development has already significantly altered the portions of these sites that would be impacted by the highway project. While the modern surface development does not diminish the association with traditional cultural practices of the GRIC for purposes of the consultation required by NHPA, for purposes of Section 4(f), the FHWA believes that the impacted area is important chiefly for what could be learned by data recovery of any subsurface features that may still be present. In addition, future archaeological investigations may contribute to their TCP status.

If you have no objection to FHWA’s determination under Section 4(f) that the portions of the Villa Buena and Pueblo del Alamo TCPs that would be used by the project alternatives under consideration are chiefly important because of what can be learned by data recovery and have minimal value for preservation in place, then FHWA will apply the Section 4(f) exception described above to the use of these properties. This determination is for purposes of Section 4(f) only and would not have any impact on the Section 106 consultation that is underway and will continue.

AZ T:12:112 (ASM)

AZ T:12:112 (ASM) includes an active O’odham *jiawul himdag* shrine that is part of an archaeological site with prehistoric and historic features. The site is a traditional O’odham shrine with historic precedence used by contemporary Community members actively exercising their traditional religious and ceremonial practices and beliefs. The site and its use are part of a broad pattern of traditional religious and ceremonial practices and beliefs that define the cultural identity, continuity, and tradition of the Akimel O’odham. The site’s placement on the landscape also has the potential to provide information on prehistoric networks and regional connectivity. FHWA has determined AZ T:12:112 (ASM) is eligible for inclusion on the NRHP under Criterion A as a TCP and under Criterion D as an archaeological site. In consultation with the GRIC THPO and CRMP, ADOT and FHWA have developed proposed freeway alternatives that would avoid the site; therefore, it would not be directly impacted by the project. Mitigation measures for any potential indirect impacts would be developed through continuing consultations with GRIC.

AZ T:12:198 (ASM)

AZ T:12:198 (ASM) is a petroglyph site that, in addition to being a contributor to the South Mountain TCP, is individually eligible as a TCP. The site includes seven panels of prehistoric and historic rock art. Rock art sites such as this continue to function for the GRIC as shrines or spiritual places and they are important in the perpetuation of GRIC’s identity and culture. In consultation with the GRIC THPO, FHWA has determined AZ T:12:198 (ASM) is eligible for inclusion in the NRHP under Criterion A as a TCP and under Criterion D as an archaeological site. In consultation with the GRIC THPO and CRMP, ADOT and FHWA have developed

6

proposed freeway alternatives that would avoid the site; therefore, it will not be directly impacted by the project. Mitigation measures for any potential indirect impacts would be developed through continuing consultations with GRIC.

Please review the information provided in this letter and enclosed materials. If you agree with FHWA's determination of NRHP eligibility for the TCPs, the adequacy of the draft mitigation Treatment Plans, and do not object to the Section 4(f) determinations described above, please indicate your agreement by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

Karla S. Petty
for Karla S. Petty
Division Administrator
602-382-8979

MAY 18 2012

[Signature]
Signature for SHPO Concurrence
NH-202-D(ADY)

15 MAY 12
Date

Enclosures

CC: Linda Davis, ADOT

see page 2 of letter
One of the documents sent over (i.e., Darling 2012) appears to not be relevant to Section 106 — that addendum plan does not address potential adverse effects under Criterion D (see page 3 of addendum itself), and page 4 of this cover letter claims the integrity under Criterion A would remain?



GILA RIVER INDIAN COMMUNITY

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TRIBAL HISTORIC PRESERVATION OFFICE

(520) 562-7162
Fax: (520) 562-5083

July 3, 2012

Karla S. Petty, Division Administrator
U. S. Department of Transportation
Federal Highway Administration, Arizona Division
4000 North Central Avenue, Suite 1500
Phoenix, Arizona 85012-3500

RE: NH-202-D(ADY) TRACS No. 202L MA 054 H5764 01C 202L, South Mountain Freeway, DCR and EIS Continuing 106 Consultation Traditional Cultural Properties Section 4(f) Determination

Dear Ms. Petty,

The Gila River Indian Community Tribal Historic Preservation Office (GRIC-THPO) has received two documents for review from the Federal Highway Administration (FHWA): 1) An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona Submittal Number 6; and 2) *Draft* South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Traditional Cultural Properties and Mitigation of Transportation Corridor Development Adverse Effects Addendum Planning for TCP Mitigation Villa Buena (AZT:12:9[ASM]), Pueblo Del Alamo (AZ T:12:53[ASM]). The report *reevaluates* the National Register eligibility status cultural resources recorded within the 202L during numerous and previous archaeological surveys of the 202 Loop Project Corridor. At issue was the unacceptable, piecemeal evaluation procedures HDR Engineering, Inc. used to evaluate Akimel O'odham and Pee Posh Traditional Cultural Properties (TCP). The GRIC-THPO maintained that Akimel O'odham and Pee Posh TCP's were Register eligible properties under **Criterion A and Criterion D** (as archaeological sites). It now appears that the GRIC-THPO, the FHWA, and the Arizona Department of Transportation (ADOT) have come to a reasonable, sensible agreement concerning the proper Register eligibility evaluations for the cultural resources considered TCP's in the 202 Loop Project Corridor.

Muhadagi Doag (South Mountain) as a whole is now considered by the FHWA to be a TCP, eligible for inclusion on the National Register under Criteria A and B. The South Mountain has significant associations with broad patterns of traditional cultural practices and beliefs of the Akimel O'odham and Pee Posh.

Villa Buena (AZ T:12:9[ASM]) is a large prehistoric village named and identified in the Akimel O’Odham creation story. The FHWA acknowledges that O’Odham consciousness and veneration exist today for this site in the form of active association and identification of this place as a religious, historical, and ideological perpetuation of the GRIC’s community culture. The FHWA has determined that Villa Buena is a Register eligible TCP under Criterion A and as a Register eligible archaeological site under Criterion D.

Pueblo del Alamo (AZ T:12:52[ASM]) is a large prehistoric village named and identified in the Akimel O’Odham creation story. The FHWA acknowledges that O’Odham consciousness and veneration exist today for this site through the form of active association and identification of this place as a religious, historical, and ideological perpetuation of the GRIC’s community culture. The FHWA has determined that Pueblo del Alamo is a Register eligible TCP under Criterion A and as a Register eligible archaeological site under Criterion D.

Jiavul Himdag (AZ T:12:112[ASM]) is an O’Odham shrine which is also part of an archaeological site with prehistoric and historic components. The shrine has historic precedence and is still visited by Community members participating in the traditional O’Odham religion. *Jiavul Himdag* is considered a TCP which is Register eligible under Criterion A and a significant archaeological site under Criterion D.

Site AZ T:12:198(ASM) is a petroglyph panel considered to be a contributing TCP element of *Muhadagi Doag* (South Mountain). In its own right, AZ T:12:198(ASM) represents a petroglyph site which continues to function as a GRIC shrine and spiritual place important to the perpetuation of GRIC’s identity and culture. AZ T:12:198(ASM) is considered a Register eligible TCP under Criterion A and a significant archaeological site under Criterion D.

Review the TCP mitigation plan prepared by the GRIC-Cultural Resource Management Plan indicates the Adverse Effects of the FHWA undertaking would be: 1) The loss of physical and spiritual connections through the alteration of the cultural landscape; 2) Loss of Social Memory expressed by GRIC culture, creation stories traditional religious activities at sites, native language, song traditions and shared traditional knowledge; and 3) Direct physical impacts to TCPS which could affect the GRIC through the loss of knowledge vested in these properties. Mitigative efforts would: 1) Allow Traditional religious activities at Villa Buena and Pueblo del Alamo prior to the initiation of construction activities which would address the spiritual needs of the ancestors and living community members preparing them for the impacts to the cultural landscape resulting from the undertaking; 2) Presentations, exhibits and outreach to the GRIC before, during, and after freeway development explaining efforts being made to recognize and alleviate adverse effects to GRIC tradition; 3) Tribal consultation will be on-going and not cease once the environmental and clearance processes are completed. A consultation plan will identify all Tribes with a vested interest in Villa Buena and Pueblo del Alamo and the consultation will be conducted before, during, and after freeway development; and 4) The protection of equivalent site and sacred landscapes will be a priority. The development

of Management Plan(s) to protect sites from adverse effects in the future with the mitigative goal being site preservation and cultural perpetuation all integrating Tribal/Community involvement. Furthermore the mitigation plan offers Programmatic Solutions which include: 1) Support of sustainable program in Education and Language Preservation including O’Odham and Pee Posh Song Culture; 2) Coordination of sustainable programs through existing GRIC tribal centers of heritage preservation specially the GRIC Huhugum Heritage Center (HHC); 3) Use of the GRIC repository at the HHC for housing all collections, data and information recovered from the mitigation efforts associated with the TCPs; and 4) Organization of exhibits and educational initiatives that result from freeway development.

The GRIC-THPO concurs with all the determinations of Register eligibility for the TCP’s and archaeological sites. The GRIC-THPO also accepts the mitigation Treatment Plan and all recommendations put forth in the document. The rewriting of the TCP report has greatly improved the document and we thank you for considering our suggestions for change. The mitigation Treatment Plan has put forth a thoughtful, unique way to mitigate the adverse effects of this undertaking. It too is well written. The GRIC-THPO appreciates the FHWA and ADOT for acknowledging and accepting the GRIC worldview.

The GRIC maintains and reinforces the cultural significance of South Mountain to the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; Ak-Chin Indian Community and the Tohono O’Odham Nation) together with the Pee Posh (Maricopa). O’Odham oral history and religion defines our life and relationship to the natural world and the cultural landscape. Akimel O’Odham and Pee Posh oral histories, religion, creation stories, ceremonial activities and practices, and the concepts of power and sacred places are inseparably tied to every part of the natural environment. Sacred places and Traditional Cultural Places (TCPs) must be treated with reverence and respect.

The GRIC-THPO looks forward to continuing consultation regarding the proposed 202 Loop. If you have any questions please do not hesitate to contact me or Archaeological Compliance Specialist Larry Benallie, Jr. at 520-562-7162.

Respectfully,



Barnaby V. Lewis
Tribal Historic Preservation Officer
Gila River Indian Community



U.S. Department
of Transportation
**Federal Highway
Administration**

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July 11, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Reassessment of Dobbins Road Historic Properties

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the environmental impact statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

This project has been the subject of extensive prior consultation (SHPO-2003-1890). Recently four historic rural properties along Dobbins Road and 59th Avenue in Laveen were reevaluated by AZTEC Engineering Group, Inc. The results of the reevaluation are presented in *South Mountain Transportation Corridor Study: Evaluation of Four Historic Buildings and Districts, Maricopa County, Arizona* (Sollday 2012), a copy of which is enclosed for your review and comment.

Consulting parties for this reevaluation include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Reclamation (Reclamation), the Bureau of Land Management (BLM), the Arizona State Land Department (ASLD), the City of Phoenix-Historic Preservation Office (COP-HPO), the City of Phoenix-Pueblo Grande Museum (COP-PGM), and Salt River Project (SRP).

The four historic properties near the Dobbins Road/59th Avenue intersection that were reevaluated include:

- 1) Hudson Farm, 9300 South 59th Avenue
- 2) Hackin Farmstead/Dairy, 10048 South 59th Avenue
- 3) Tyson Farmstead/Barnes Dairy, 6159 West Dobbins Road

2

4) Dobbins Road Streetscape, 6100 block of West Dobbins Road

Hudson Farm

The Hudson Farm, a historic district, was previously determined to be eligible for listing on the National Register of Historic Places (NRHP) under criterion A. The boundaries of the district encompassed nearly 40 acres. Reassessment of the farm and historic farming in the Laveen area determined that the boundaries should encompass nearly 80 acres rather than 40. From the earliest times, the family farms in this area included two quarter-quarter sections, both before the Western Canal irrigated Laveen, and after construction of the canal and the establishment of 40-acre farm units. The original 80-acre farm remains intact, minus rights-of-way for roads and irrigation features.

The cement stove silos at the farm were previously determined to be individually eligible for listing under criterion C. The reassessment agrees with this earlier determination.

Hackin Farmstead/Dairy

As a district, the Hackin Farmstead/Dairy was previously determined ineligible for listing on the NRHP. However, the dairy barn on the property was found eligible under criterion C. No changes are recommended for these previous determinations.

Tyson Farmstead/Barnes Dairy

As a district, the Tyson Farmstead/Barnes Dairy was previously determined ineligible for listing on the NRHP. However, the dairy barn on the property was found eligible under criterion C. No changes are recommended for these previous determinations.

Dobbins Road Streetscape

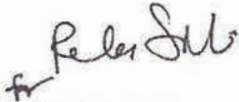
The Dobbins Road Streetscape District was previously determined eligible for listing on the NRHP under criteria A and D. The reevaluation has found that the district is ineligible. There are several characteristics of the Dobbins Road Streetscape that impact the integrity of the resource as a rural agricultural streetscape. Historic rural landscapes often include miles of roadway and surrounding agricultural properties. The 325 feet of roadway along Dobbins Road is of inadequate length to truly convey the rural agricultural character that once dominated this area. In addition, there are modern intrusions easily visible from the streetscape. At the west end there is a prominent 1977 house on the north side of the road and a mobile home on the south side of the road that was moved onto the site about 1970. A recently constructed subdivision of two-story houses is located just over a quarter-mile east of the streetscape, and is clearly visible from within the streetscape boundaries. Additionally, many components of the historic streetscape have lost their historic character, as detailed in the enclosed report. Therefore, FHWA recommends that this district is ineligible for listing on the NRHP.

Following is a summary of the reevaluation:

Inventory No.	Tax Parcel No.	Property Name and Address	Date	Primary Criterion
Eligible Historic Districts				
1	300 02 038 300 02 037A	Hudson Farm 9300 S. 59 th Avenue	ca. 1926	A
Individually Eligible Historic Buildings				
1.03	300 02 038	Hudson Farm - Cement Stave Silos 9300 S. 59 th Avenue	1949	C
2.03	300 02 033	Hackin Farmstead/Dairy – Dairy Flat Barn 10048 S. 59 th Avenue	1952	C
3.02	300 02 041	Tyson Farmstead/Barnes Dairy – Dairy Head-to-Toe Barn 6159 W. Dobbins Road	1951	C
Ineligible Historic Districts				
2	300 02 033	Hackin Farmstead/Dairy 10048 S. 59 th Avenue	1930	N/A
3	300 02 041	Tyson Farmstead/Barnes Dairy 6159 W. Dobbins Road	1930	N/A
4	300 02 041, 300 02 021J	Dobbins Streetscape 6100 Block W. Dobbins Road	1930	N/A

Please review the information provided in this letter, the attached project location map, and enclosed report. If you find the report adequate and agree with FHWA’s revised recommendation of eligibility, please indicate your concurrence by signing below. If you have any questions or comments, please feel free to contact Linda Davis at (602) 712-8636 or e-mail LDavis2@azdot.gov.

Sincerely yours,



Karla S. Petty
Division Administrator

Signature for SHPO Concurrence
NH-202-D(ADY)

Date

Enclosures

This letter was also sent to:

Mr. Steve Ross, Achaeologist, Arizona State Land Department

Mr. Dave Gifford, Archaeologist, Bureau of Reclamation

Ms. Cheryl Blanchard, Archaeologist, Bureau of Land Management

Ms. Laurene Montero, Archaeologist, City of Phoenix

Ms. Michelle Dodds, Historic Preservation Office, City of Phoenix

Mr. Richard Anduze, Archaeologist, Salt River Project



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July 11, 2012

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Environmental Services
Environmental Compliance

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Reassessment of Historic Properties

Mr. Richard Anduze
Salt River Project
PO Box 52025, Mail Sta PAB355
Phoenix, Arizona 85072-2025

Dear Mr. Anduze:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the environmental impact statement (EIS) for the 202L South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

This project has been the subject of extensive prior consultation (SHPO-2003-1890). Recently four historic rural properties along Dobbins Road and 59th Avenue in Laveen were reevaluated by AZTEC Engineering Group, Inc. The results of the reevaluation are presented in *South Mountain Transportation Corridor Study: Evaluation of Four Historic Buildings and Districts, Maricopa County, Arizona* (Solliday 2012), a copy of which is enclosed for your review and comment.

Consulting parties for this reevaluation include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Reclamation (Reclamation), the Bureau of Land Management (BLM), the Arizona State Land Department (ASLD), the City of Phoenix-Historic Preservation Office (COP-HPO), the City of Phoenix-Pueblo Grande Museum (COP-PGM), and Salt River Project (SRP).

The four historic properties near the Dobbins Road/59th Avenue intersection that were reevaluated include:

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The cement stave silos at the farm were previously determined to be individually eligible for listing under criterion C. The reassessment agrees with this earlier determination.

Hackin Farmstead/Dairy

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Following is a summary of the reevaluation:

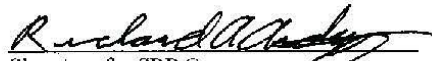
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Sincerely yours,



Karla S. Petty
Division Administrator


Signature for SRP Concurrence
NH-202-D(ADY)

13 July 2012
Date

Enclosures



U.S. Department
of Transportation
Federal Highway
Administration

SHPO-2003-1890 (106135)
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July 11, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Reassessment of Dobbins Road Historic Properties

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

JUL 13 2012

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This project has been the subject of extensive prior consultation (SHPO-2003-1890). Recently four historic rural properties along Dobbins Road and 59th Avenue in Laveen were reevaluated by AZTEC Engineering Group, Inc. The results of the reevaluation are presented in *South Mountain Transportation Corridor Study: Evaluation of Four Historic Buildings and Districts, Maricopa County, Arizona* (Solliday 2012), a copy of which is enclosed for your review and comment.

Consulting parties for this reevaluation include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Reclamation (Reclamation), the Bureau of Land Management (BLM), the Arizona State Land Department (ASLD), the City of Phoenix-Historic Preservation Office (COP-HPO), the City of Phoenix-Pueblo Grande Museum (COP-PGM), and Salt River Project (SRP).

The four historic properties near the Dobbins Road/59th Avenue intersection that were reevaluated include:

- 1) Hudson Farm, 9300 South 59th Avenue
- 2) Hackin Farmstead/Dairy, 10048 South 59th Avenue
- 3) Tyson Farmstead/Barnes Dairy, 6159 West Dobbins Road

4) Dobbins Road Streetscape, 6100 block of West Dobbins Road

Hudson Farm

The Hudson Farm, a historic district, was previously determined to be eligible for listing on the National Register of Historic Places (NRHP) under criterion A. The boundaries of the district encompassed nearly 40 acres. Reassessment of the farm and historic farming in the Laveen area determined that the boundaries should encompass nearly 80 acres rather than 40. From the earliest times, the family farms in this area included two quarter-quarter sections, both before the Western Canal irrigated Laveen, and after construction of the canal and the establishment of 40-acre farm units. The original 80-acre farm remains intact, minus rights-of-way for roads and irrigation features.

The cement stave silos at the farm were previously determined to be individually eligible for listing under criterion C. The reassessment agrees with this earlier determination.

Hackin Farmstead/Dairy

As a district, the Hackin Farmstead/Dairy was previously determined ineligible for listing on the NRHP. However, the dairy barn on the property was found eligible under criterion C. No changes are recommended for these previous determinations.

Tyson Farmstead/Barnes Dairy

As a district, the Tyson Farmstead/Barnes Dairy was previously determined ineligible for listing on the NRHP. However, the dairy barn on the property was found eligible under criterion C. No changes are recommended for these previous determinations.

Dobbins Road Streetscape

The Dobbins Road Streetscape District was previously determined eligible for listing on the NRHP under criteria A and D. The reevaluation has found that the district is ineligible. There are several characteristics of the Dobbins Road Streetscape that impact the integrity of the resource as a rural agricultural streetscape. Historic rural landscapes often include miles of roadway and surrounding agricultural properties. The 325 feet of roadway along Dobbins Road is of inadequate length to truly convey the rural agricultural character that once dominated this area. In addition, there are modern intrusions easily visible from the streetscape. At the west end there is a prominent 1977 house on the north side of the road and a mobile home on the south side of the road that was moved onto the site about 1970. A recently constructed subdivision of two-story houses is located just over a quarter-mile east of the streetscape, and is clearly visible from within the streetscape boundaries. Additionally, many components of the historic streetscape have lost their historic character, as detailed in the enclosed report. Therefore, FHWA recommends that this district is ineligible for listing on the NRHP.

Following is a summary of the reevaluation:

Inventory No.	Tax Parcel No.	Property Name and Address	Date	Primary Criterion
Eligible Historic Districts				
1	300 02 038 300 02 037A	Hudson Farm 9300 S. 59 th Avenue	ca. 1926	A
Individually Eligible Historic Buildings				
1.03	300 02 038	Hudson Farm - Cement Stave Silos 9300 S. 59 th Avenue	1949	C
2.03	300 02 033	Hackin Farmstead/Dairy -- Dairy Flat Barn 10048 S. 59 th Avenue	1952	C
3.02	300 02 041	Tyson Farmstead/Barnes Dairy -- Dairy Head-to-Toe Barn 6159 W. Dobbins Road	1951	C
Ineligible Historic Districts				
2	300 02 033	Hackin Farmstead/Dairy 10048 S. 59 th Avenue	1930	N/A
3	300 02 041	Tyson Farmstead/Barnes Dairy 6159 W. Dobbins Road	1930	N/A
4	300 02 041, 300 02 021J	Dobbins Streetscape 6100 Block W. Dobbins Road	1930	N/A

Please review the information provided in this letter, the attached project location map, and enclosed report. If you find the report adequate and agree with FHWA's revised recommendation of eligibility, please indicate your concurrence by signing below. If you have any questions or comments, please feel free to contact Linda Davis at (602) 712-8636 or e-mail L.Davis2@azdot.gov.

Sincerely yours,

Karla S. Petty
Division Administrator

Signature for SHPO Concurrence
NH-202-D(ADY)

Date

Enclosures



ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
(602) 379-3646
Fax: (602) 382-8998
<http://www.fhwa.dot.gov/azdiv/index.htm>

July 11, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Reassessment of Historic Properties

Ms. Laurene Montero
Pueblo Grande Museum
4619 East Washington
Phoenix, Arizona 85034

Dear Ms. Montero:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the environmental impact statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

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Consulting parties for this reevaluation include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Reclamation (Reclamation), the Bureau of Land Management (BLM), the Arizona State Land Department (ASLD), the City of Phoenix-Historic Preservation Office (COP-HPO), the City of Phoenix-Pueblo Grande Museum (COP-PGM), and Salt River Project (SRP).

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- 3) Tyson Farmstead/Barnes Dairy, 6159 West Dobbins Road
- 4) Dobbins Road Streetscape, 6100 block of West Dobbins Road

Hudson Farm

The Hudson Farm, a historic district, was previously determined to be eligible for listing on the National Register of Historic Places (NRHP) under criterion A. The boundaries of the district encompassed nearly 40 acres. Reassessment of the farm and historic farming in the Laveen area determined that the boundaries should encompass nearly 80 acres rather than 40. From the earliest times, the family farms in this area included two quarter-quarter sections, both before the Western Canal irrigated Laveen, and after construction of the canal and the establishment of 40-acre farm units. The original 80-acre farm remains intact, minus rights-of-way for roads and irrigation features.

The cement stave silos at the farm were previously determined to be individually eligible for listing under criterion C. The reassessment agrees with this earlier determination.

Hackin Farmstead/Dairy

As a district, the Hackin Farmstead/Dairy was previously determined ineligible for listing on the NRHP. However, the dairy barn on the property was found eligible under criterion C. No changes are recommended for these previous determinations.

Tyson Farmstead/Barnes Dairy

As a district, the Tyson Farmstead/Barnes Dairy was previously determined ineligible for listing on the NRHP. However, the dairy barn on the property was found eligible under criterion C. No changes are recommended for these previous determinations.

Dobbins Road Streetscape

The Dobbins Road Streetscape District was previously determined eligible for listing on the NRHP under criteria A and D. The reevaluation has found that the district is ineligible. There are several characteristics of the Dobbins Road Streetscape that impact the integrity of the resource as a rural agricultural streetscape. Historic rural landscapes often include miles of roadway and surrounding agricultural properties. The 325 feet of roadway along Dobbins Road is of inadequate length to truly convey the rural agricultural character that once dominated this area. In addition, there are modern intrusions easily visible from the streetscape. At the west end there is a prominent 1977 house on the north side of the road and a mobile home on the south side of the road that was moved onto the site about 1970. A recently constructed subdivision of two-story houses is located just over a quarter-mile east of the streetscape, and is clearly visible from within the streetscape boundaries. Additionally, many components of the historic streetscape have lost their historic character, as detailed in the enclosed report. Therefore, FHWA recommends that this district is ineligible for listing on the NRHP.

Following is a summary of the reevaluation:

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Please review the information provided in this letter, the attached project location map, and enclosed report. If you find the report adequate and agree with FHWA's revised recommendation of eligibility, please indicate your concurrence by signing below. If you have any questions or comments, please feel free to contact Linda Davis at (602) 712-8636 or e-mail LDavis2@azdot.gov.

Sincerely yours,



Karla S. Petty
Division Administrator



Signature for COP-PGM Concurrence
NH-202-D(ADY)

7/17/2012
Date

Enclosures



U.S. Department
of Transportation
**Federal Highway
Administration**

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
(602) 379-3646
Fax: (602) 382-8998
<http://www.fhwa.dot.gov/azdiv/index.htm>

July 11, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Reassessment of Historic Properties

Ms. Michelle Dodds
CLG Contact, Historic Preservation Office
200 West Washington, 3rd Floor
Phoenix, Arizona 85003

Dear Ms. Dodds:

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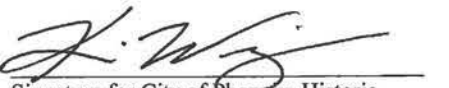
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Karla S. Petty
Division Administrator

JUL 20 2012


Signature for City of Phoenix, Historic
Preservation Office Concurrence
NH-202-D(ADY) *Kevin Weight, Planner III*

7/18/12
Date

Enclosures

cc:
Jodey Elsner, Historian, COP Historic Preservation Office 200 W. Washington Street, 3rd floor
Phoenix, Ariz 85003 (with enclosures)